

JOURNAL

OF THE

SESSION OF 1866-7.

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF ALABAMA,

HELD IN THE

CITY OF MONTGOMERY,

COMMENCING ON THE SECOND MONDAY IN NOVEMBER, 1866.

WITH AN INDEX,

PREPARED BY THE SECRETARY OF STATE.

MONTGOMERY, ALA.:

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1867.

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JOURNAL.

MONTGOMERY, ALABAMA, }
NOVEMBER 12th, 1866. }

Be it remembered, that this being the second Monday of November, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the House convened in the Hall of the House of Representatives at the Capitol in the City of Montgomery, on this the 12th day of November, A. D., one thousand eight hundred and sixty-six, at the hour of 12 o'clock M.

Prayer by the Rev. Mr. Taylor.

Upon the call of the roll, the following members answered to their names :

Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Clark of Lawrence, Connelly, Cotten, Craig, Culver, Davis of Barbour, Davis of Bibb, Doster, Edwards, Ellis, Faulk, Frazer, Gibson, Goodwin, Grant, Hand, Hardin, Hawthorne, Humphreys, Judkins, Lanier, Lawrence, Leeper, Lindsay, Mabry, Malloy, Manasco, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, Meadors, Moore of Coffee, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raesler, Richardson, Robinson of Chambers, Shiffeld, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thom, Tompkins, Vansandt, Walker, Williams of Jackson, Williams of Randolph, Wilhite, Worthy and Young.

On motion by Mr. EcKinstry:

Resolved, That the Clerk of the House of Representatives inform the Senate that, a quorum being present, the House is ready to proceed to business.

The newly elected members came forward, took the required oath, and subscribed their names—Lawrence of Fayette, Seawell, Craig and Wolf.

On motion by Mr. Mabry:

The names of the new members were added to the rolls.

Message from the Senate by Mr. Taul :

Mr. Speaker—I am instructed by the Senate to inform the House of Representatives that a quorum of the Senate is present, and is now ready to proceed to business.

M. TAUL, Secretary.

On motion by Mr. Meadors :

That whereas, it is probable that Col. W. H. Fowler, the Clerk of the House, will not be here at the present session of the Legislature, therefore,

Be it resolved by the House of Representatives, That Col. Turner Clanton be authorized to act as First Clerk of the House, and Capt. John Phelan appointed Assistant Clerk *pro tem.*, until it is definitely ascertained whether Col. Fowler will return or not.

On motion of Er. Manasco :

Resolved, That the Rules of the House and the Joint Rules for the government of the two Houses in Convention, in force at the close of the last session of the General Assembly of Alabama, be adopted for the government of this House.

On motion by Mr. Gibson :

Resolved, That the Standing Committees of the last session, with such modification as the Speaker may deem advisable, be continued as the Standing Committees of this House.

On motion by Mr. Vansandt :

Resolved, That a committee of three be appointed to invite the clergy to open the sessions by prayer.

Messrs. Vansandt, Hawthorne and Leeper, Committee.

On motion by Mr. Goodwin :

Resolved, That the representatives of the *Press* be provided with suitable seats on the floor of the House.

On motion by Mr. Morse :

Resolved, That the Chair appoint a committee of three to act in conjunction with a like committee from the Senate to wait upon the Governor and inform him that the two Houses are organized and ready to receive any communications his Excellency may desire to submit.

On motion by Mr. Grant :

Resolved, That it is the right of each member to claim and occupy the seat assigned to him on the first meeting of the Legislature after his election, until the close of the term for which he may be elected.

Message from the Senate by Mr. Taul :

Mr. Speaker—The Senate concurs in the resolution of the House to appoint a committee of three to wait upon the Gov-

ernor and inform him of their readiness to receive any communication he may wish to make.

Messrs. Garrett, Forney and Pewell of Tuscaloosa are appointed on the part of the Senate.

M. TAUL, Secretary.

On motion by Mr. Doster:

Resolved, That five hundred copies of the Rules of the House be published, and that one copy thereof be placed upon the desk of each member of the House of Representatives as soon as practicable, and that one hundred copies of Standing Committees be published.

Message from the Governor by his Private Secretary, Mr. Benjamin H. Screws:

On motion by Mr. Bethea:

The reading of the message was suspended, and that three thousand copies be printed for the use of the House, and that the message and accompanying documents be referred to a select committee of three, who shall report the proper reference of its several suggestions to the appropriate standing committees.

The following were the committee appointed on the Governor's message:

Messrs. Gibson, Bethea and McKinstry.

EXECUTIVE DEPARTMENT, }
STATE OF ALABAMA, }
Montgomery, November 12, 1866. }

Gentlemen of the Senate and House of Representatives:

Your presence at the seat of Government in the capacity of Legislators is more than ordinarily welcome. Since the period of your adjournment, events have occurred which are of vast importance to our common country. Our own State has enjoyed the blessing of uninterrupted tranquillity. The authority of civil law has been fully exercised. A limited military force has remained in the State, but its interposition has been nowhere necessary to enforce obedience to law or to maintain the public peace. There has been no embarrassing collision between the military and civil authorities; nor need any be apprehended so long as this military department is controlled by such liberal, just and honorable officers as have been, and are now, in command. Our people have had much to discourage them, but they have not yielded to despondency. With bold perseverance and determined energy, they have struggled against their adversities, and have made very grati-

fyng advancements towards the recovery of lost prosperity. They have been happily exempt from those terrible pestilences which have sorely afflicted other communities. In all this we have much for which we should be profoundly thankful, and many inducements for continued exertions.

Our State finances are in as favorable condition as could be reasonably expected. Laws enacted at your last session gave a very large discretion to the Executive upon financial questions. The State Treasury was depleted ; and for the current fiscal year it could not be supplied by the ordinary mode of taxation. The suddenly changed condition of the country rendered it necessary to enact a new revenue law ; and therefore, for the present year we were compelled to resort to the State's credit. It is gratifying to be able to state that those laws have proved fully sufficient for the accomplishment of the purposes for which they were enacted.

For the general purposes of the State, authority was given for the issue of bonds to an amount not exceeding a million and a half of dollars. In order to supply the immediate wants of the Treasury, a law was passed providing for a temporary loan on the best attainable terms. Under the authority of this law, special loans of limited amounts were negotiated without difficulty. From time to time, as demands against the Treasury required, applications were made to the capitalists of this city and Mobile. The accommodations asked for were readily granted. For the timely and needful assistance thus extended to the State, we are much indebted to Messrs. Lehman, Durr & Co., of Montgomery, to the Southern Bank of Alabama, the Bank of Mobile, and the First National Bank of Mobile. These sums were necessarily obtained on short time ; but they were sufficient to secure the punctual payment of all drafts upon the Treasury. In this way the operations of the State were carried on until the thirtieth of June.

In the meantime, the proper steps had been taken to raise money upon the State bonds. Bonds were prepared, drawing eight per cent. interest, which was the maximum rate allowed by law. In the month of April last I visited New York for the purpose of conferring personally with the capitalists of that city in reference to the negotiation of the bonds, and upon other matters connected with the finances of the State. I found the bankers quite favorably disposed toward us. The fact that our State debt was small, was well known and duly appreciated. The effective manner in which our bonds are secured, was also recognized as giving them special value. But with all of these advantages in our favor, I could not see that

the bonds would command a par value if they were placed upon the market. They could, no doubt, have been readily disposed of at a handsome premium, if it had not been for the unfavorable political condition of the country.

Under all the circumstances, and after due deliberation, I deemed it best not to offer the bonds for regular sale. They drew a high rate of interest, and were well and amply secured. I was therefor unwilling, by selling them at a discount, to subject our people to the double disadvantage of increasing their public debt, and at the same time depreciating their public credit. I considered it better for the interest of the State, to procure funds by a process of hypothecation. This plan was found to be readily available. Accordingly, a loan was negotiated in the city of New York, with the highly respectable banking house of Winslow, Lanier & Co., for the sum of three hundred and fifty thousand dollars. For the payment of this amount, on the 1st of January, 1867, the obligation of the State was given for the principal and seven per cent. interest. A commission of one per cent. was also paid to the agent who negotiated the loan. As collateral security for the loan, bonds were deposited to the amount of four hundred and fifty thousand dollars. There is good reason for believing that by the first of January, or soon thereafter, our bonds can be sold in the market at par. In that event the loan can be paid without difficulty. Should it be desired, however, the day of payment could doubtless be postponed until such time as the State could meet it without embarrassing sacrifices. The temporary loans negotiated in Montgomery and Mobile, together with the interest thereon, have all been paid.

Under the act of December 8, 1863, the Commissioner and Trustee of the State borrowed, in gold, from the Bank of Mobile, the sum of fourteen thousand three hundred and eighty-three dollars. This was to complete the payment of the interest on our London bonds for July, 1864, and January, 1865. For this loan the State's bond was executed, which pledged a repayment in gold. On the 16th of August last the bond was redeemed by the Commissioner and Trustee. It required twenty-three thousand six hundred and sixty dollars, of the present currency, to pay the principal, with the interest and the premium on gold.

In September, 1865, the Commissioner and Trustee, on behalf of the Provisional Government of Alabama, negotiated in New York a temporary loan of forty thousand dollars, for which he hypothecated the bonds of North Carolina and Virginia, which were held by the State. The amount of bonds

thus pledged was one hundred and fifty-nine thousand dollars. This loan was promptly paid at maturity; and in order to raise money for the purpose, it was necessary to sell a portion of the hypothecated bonds. The amount of the North Carolina bonds owned by the State was eighteen thousand dollars. These were sold for sixty-three and a half cents in the dollar. Virginia bonds, to the amount of sixty-six thousand dollars, were disposed of for forty-six cents in the dollar. The State still owns seventy-five bonds of the State of Virginia, of one thousand dollars each.

THE PUBLIC DEBT.

Before the war the bonded debt of the State was three millions four hundred and forty-five thousand dollars. By the action of the Convention of September, 1865, this was the only bonded debt for which the State was held accountable. Of this amount, the sum of two millions one hundred and nine thousand dollars (\$2,109,000) is payable in the city of New York. The remainder, one million three hundred and thirty-six thousand dollars, (\$1,336,000) is payable in London. The interest upon all the bonds which make up this indebtedness is payable semi-annually. On the New York bonds the time for payment is the first of May and first of November; and on the London bonds, the first of January and first of July. The war necessarily prevented the regular payment of the New York interest. The last coupons redeemed there were those which fell due in November, 1861. The London interest was paid up to, and including the dividend for January, 1865.

In my last message I informed you that a proposition had been made by the holders of our bonds in London, to receive State bonds for the interest then unpaid, and that which would accrue up to the first of January, 1867. At the same time I expressed the opinion that our New York creditors would be willing to receive payment in the same manner; and an act was passed which authorized this mode of payment. The proposition was submitted to the holders of our bonds in New York, and it was cheerfully accepted. Bonds were accordingly prepared, in the appropriate form and proper amounts. The Commissioner and Trustee of the State, through the banking house of Duncan, Sherman & Co., of New York city, and at his office in Montgomery, has been and is now actively en-

gaged in having these bonds delivered to the parties entitled to receive them.

The amount of interest on the London bonds from the time of the last payment to the first of January next, is one hundred and sixty thousand seven hundred and forty dollars (\$160,740.) To this, however, is to be added the difference of exchange between our currency and sterling, the rate of which can not now be stated with accuracy. The interest on the New York bonds from the 1st of November, 1861, to November, 1866, is five hundred and twenty-seven thousand two hundred and fifty dollars (\$527,250.) This makes the total amount of interest to be funded, six hundred and eighty-seven thousand nine hundred and ninety dollars (\$687,990.) The interest thus funded makes, of course, so much of an addition to our former bonded debt. This funding of interest includes all that becomes due in the year 1866; and hence the first payments to be made from the State Treasury will be the dividends for May and July, 1867.

The New York bonds, including the funded interest, amount in the aggregate to two millions six hundred and thirty-six thousand two hundred and fifty dollars (\$2,636,250.) The annual interest on this sum, at five per cent., is one hundred and thirty-one thousand eight hundred and twelve dollars (\$131,812,) which makes the semi-annual payment for the first of May next, sixty-five thousand nine hundred and six dollars (\$65,906.)

Of the London bonds, six hundred and forty-eight thousand dollars (\$648,000) bear interest at the rate of five per cent., and six hundred and eighty-eight thousand dollars (\$688,000) draw six per cent. The funded interest added to the five per cent. bonds makes seven hundred and twelve thousand eight hundred dollars (\$712,800.) By the same means the six per cent. bonds amount to seven hundred and seventy thousand five hundred and sixty dollars (\$770,560.) This makes an aggregate of one million four hundred and eighty-three thousand three hundred and sixty dollars (\$1,483,360) as the amount of the London debt. Upon this amount, the annual interest (exclusive of the difference of exchange) is eighty-one thousand eight hundred and seventy-three dollars (\$81,873,) which shows forty thousand nine hundred and thirty-six dollars (\$40,936) as the amount to be paid on the first of July next. It will thus be seen that the aggregate of the interest which will be payable in May and July, 1867, is one hundred and five thousand five hundred and eighty-six dollars (\$105,586.)

By an act of your last session, it was provided that the

bonds which became due in 1863 and 1865, and payable in New York, be extended for a period not exceeding twenty years. The necessary bonds for this purpose have been duly prepared under the direction of the Commissioner and Trustee of the State. The old bonds are being rapidly taken up, and extension bonds substituted in their place.

The five per cent. London bonds were issued in 1846. They were to run for twenty years, the State reserving the right to extend them at pleasure. In the present financial condition of the State, I think that we should avail ourselves of the right to extend the period for the payment of these bonds. I therefore recommend that an act be passed authorizing the extension of the period for their redemption, the time not to extend twenty years.

Although the eight per cent. bonds authorized by the act of your last session have not yet been regularly offered for sale in the money market, yet a limited number of them has been disposed of. While endeavoring to obtain supplies for the destitute of our State, I found an opportunity of purchasing corn and paying for it in these bonds, at par. In this way they were used in St. Louis to the amount of forty-one thousand five hundred dollars (\$41,500,) and in Cairo to the amount of four thousand five hundred dollars (\$4,500.) For the transportation of these supplies, and others contributed by relief associations and private individuals, the Memphis and Charleston railroad received bonds in payment. The amount paid to that road is two thousand five hundred dollars (\$2,500.) The Insane Hospital at Tuscaloosa received five thousand dollars of these bonds, as a part of the twenty-five thousand dollars which the recent State Convention directed to be advanced to that institution. This makes an aggregate of fifty-three thousand five hundred dollars (\$53,500) of the new bonds now drawing interest, the semi-annual dividend upon which is to be paid in New York on the first of January next.

We shall have to depend upon the sale of these eight per cent. bonds for the payment of the loan recently negotiated in New York. The amount of that loan, including the interest and commission, will be three hundred and sixty-three thousand five hundred and seventy-two dollars and twenty-one cents, (\$363,572 21.) Assuming that the bonds will be sold at par, our public debt will be increased to that amount. Hence, the bonded debt of the State may be thus recapitulated :

Original bonded debt, partly extended.....	\$3,445,000 00
Amount of funded interest on the 5 and 6 per cent bonds.....	687,990 00
Eight per cent bonds sold for supplies and trans- portation.....	48,500 00
Eight per cent bonds advanced to Insane Hos- pital.....	5,000 00
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Total present bonded debt.....	\$4,186,490 00
To which add amount of loan due Winslow, Lanier & Co., including interest and com- mission.....	363,572 22
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Total.....	\$4,990,062 22
Should the U. S. agree to accept the 7 per cent bonds for the real estate tax, amount thereof would be added.....	529,333 33
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This would make the total bonded debt of the
State.....\$5,079,395 55

From all this, I think that the financial condition of Ala-
bama, considering her vast resources, entitles her to as much
public confidence as is enjoyed by any State in the Union.

STATE REVENUE LAW.

The condition of our affairs rendered it difficult during the
last session of the General Assembly, to adopt a system of tax-
ation which would yield a sufficient income to defray the ex-
penses of the government without being onerous upon the
people. Every law having this object in view, was, in a great
measure, experimental. It is not at all remarkable, therefore,
that the revenue laws approved on the 22d of February last
should be only partially successful in accomplishing this pur-
pose, or that they should need revision. Their defects have
been demonstrated ; but they may be easily remedied. I deem
it my duty to indicate some of the imperfections alluded to,
together with what appears to be suitable remedies.

That part of the law which levied a tax upon liquors dis-
tilled or brought into the State for sale, very naturally com-
mended itself to popular approval. From that source a large
amount of revenue was expected. Unfortunately, this expec-
tation has been disappointed. The law failed to provide the
means to enforce the prompt and speedy collection of the tax.
It imposes an additional tax upon the dealer for neglecting to

perform his duty, but provides no method for its collection. The law punishes a dealer for rendering a false return of the number of gallons offered for sale, but omits to fix a penalty for failing to make any return at all. I suggest, therefore, that while the rate of taxation may remain unchanged, the omission, from any cause whatever, to make a return of the quantity of liquor received for sale, be made an indictable offense; as well as the making of a false one. The tax collector should be authorized to seize and sell, not only the liquor, but any property necessary to raise the amount of taxes due upon it. This part of the revenue law should be amended, because liquors can be taxed with but little inconvenience to the people. Revenue not derived from this source, must be obtained by taxing other property. This might be much more burdensome and therefore more objectionable.

Sections 3, 4, 75, 76, 77, 79, 86, 85 and 88 of the revenue law, require the judge of probate of each county to perform important duties; but no provision is made for the performance of them, when the officer elected is, from any cause whatever, prevented from the discharge of his proper functions. This omission of the law should be at once supplied.

UNITED STATES LAND TAX.

By a law enacted at your last session, the Governor was authorized and empowered to assume, on the part of the State, the payment of Alabama's portion of the tax on real estate, which was assessed by the act of Congress of August 5, 1861. While in Washington, in April last, I conferred fully with the authorities upon this subject. The President, the Secretary of the Treasury, and several members of Congress, whom I consulted, all manifested a liberal disposition in regard to this tax.

I addressed an official communication to the Secretary of the Treasury, formally proposing to assume the tax, and offering our State bonds in payment thereof. Under the existing laws, the Secretary was not authorized to accede to the proposal. My communication, however, was favorably indorsed and transmitted to Congress. No law was passed which gave the particular authority asked for; but a considerable latitude of discretion was conferred upon the Secretary of the Treasury, as to the time within which the tax is to be collected. In exercising the discretion thus granted, the Secretary has ordered that the collection of the tax be suspended until the 1st of January, 1868. I shall continue to use all proper efforts to

secure the payment in State bonds ; but if these efforts should prove unsuccessful, our people will have the advantage of another year for the improvement of their condition. It is hoped that within that time, they will so far recover from depression as to be able to pay this and all other taxes, without serious inconvenience. There is reason to believe that the addition of fifty per cent., which is prescribed in the act of Congress as a penalty for the non-payment of this tax within a specified period, will not be executed.

COLLECTION OF DEBTS.

The hardships and depressions of the times bear with peculiar force upon the debtor portion of our citizens. They, as a class, are deserving of every measure of relief which can be afforded them, consistent with the constitutional rights of creditors. At the close of the war, there were few debtors who were able to meet their obligations. Their condition is but little better now, as the present year has been exceedingly unfavorable for crops, and for business of all kinds. But notwithstanding all this, a most extraordinary number of suits for debt have been instituted. They are so numerous, in fact, as to produce wide-spread discontent, and much distress ; and if carried to the point of sales under execution, large numbers of our very best and most energetic citizens will be utterly and hopelessly ruined.

In view of all this, it becomes a high duty to inquire what measure of relief can be granted ? It must be confessed, however, that the inquiry involves many serious difficulties. Creditors have rights solemnly guaranteed by the Constitution. Of these rights they can not be deprived by any legislative enactment. The obligation of their contracts is not only irrevocably secure, but they are entitled to full and complete legal process for its enforcement.

Still, a very considerable discretion is left to the law-making power, in regard to enforced collections of debts. All judicial proceedings may be regulated by statute, and in prescribing the manner in which suits for debt shall be commenced and conducted, much may be done to protect debtors against oppressive exactions and ruinous sacrifices. But even in providing relief in this way, it requires a nice discrimination to frame a law that will stand that rigid judicial test which it is the duty of the courts to apply to every statute.

Nothing is more definitely settled than that a State has the right to regulate the proceedings of its own courts in regard

to the enforcement of contracts. Remedies for this purpose may be made applicable to past contracts as well as those of the future. A State may, at pleasure, restrict or extend the period within which claims shall be barred by the statute of limitations. It may also exempt from execution and sale any description of property which it may deem necessary for the protection and pursuits of its citizens, and for the well being of society. But all laws relating to remedies by judicial process must be in conformity to the sacred obligation of contracts. The difficulty is to determine how far statutory remedies may be carried without infringing upon rights that are guaranteed by the Constitution.

Under all these circumstances, I hesitate in making any specific recommendation as to what form of relief should be adopted. It may not be improper, however, to submit a few suggestions, which the superior wisdom of the Legislature will estimate at their proper value.

It was earnestly hoped that the act of last session "To regulate judicial proceedings," would give to the people all necessary protection against harrassing suits for debt. The act prescribed a mode for conducting such suits which delayed the rendition and enforcement of judgments for a period within which it was reasonably supposed the people would somewhat recover from the depression which rested upon them at the time the law was enacted. This feature of the act, however, seems to have stimulated creditors to commence suits, so as to secure to themselves all the advantages which the law could afford. In the meantime the constitutionality of the act was tested in the Supreme Court. A decision was given by that authoritative tribunal; and the construction placed upon the law was such as to greatly diminish the time for carrying judgments into effect. It must be confessed, therefore, that the law has not accomplished all that was hoped for.

As before observed, the right of a State Legislature to exempt certain kinds of property from sale for debt, seems to be undoubted. In the enactment of laws of this character, the Legislature is to be the judge of the character and amount of property to be excepted. It may be that much relief to debtors might be afforded by a law increasing the list and enlarging the amount of exempted property.

In my former message, I suggested the propriety of a law under which a creditor might collect annually the interest upon his claim, and a certain per centum of the principal. From subsequent reflection and observation, I have become more firmly convinced of the justice of such a law. It seems to be

an equitable compromise between the just demands of the creditor and the inability of the debtor to pay the entire amount of his indebtedness. I think that a law of this general character might be so framed as to be free from constitutional objection. It might be provided, for instance, that, by agreement between a debtor and creditor, the debtor would confess judgment, and the creditor might be allowed to collect annually his interest and one-fourth or one-third of the principal; while the judgment would operate as a lien upon the effects of the debtor against future indebtedness.

Under our laws as they now stand, and in the present condition of the country, property is being sold under execution at prices so low as to be ruinous to debtors. Instances are known where valuable and well improved lands have been sold at sheriff's sale for less than one-fifth of their intrinsic value. In this we see ample reasons for a careful inquiry as to whether such ruinous sacrifices could not be remedied by a law regulating the sale of property for debts. But here again we are liable to encounter constitutional difficulties.

Some years ago a law was passed in Illinois, providing that when an execution was levied upon land, a valuation should be put upon it; and it was not to be sold unless it brought two-thirds of its appraised value. A similar law was enacted in Ohio, New York, and perhaps other States. But the constitutionality of this law was tested in two separate cases before the Supreme Court of the United States. In both cases the court decided against the validity of the law, so far, at least, as it related to past contracts. (See *Bronson vs. Kinzie*, 1st Howard, p. 113, and *McCracken vs. Hayward*, 2d Howard, p. 609.)

This law and its exposition by the Supreme Court, are thus referred to in the hope that they may be carefully examined, and that some constitutional principle can be found which will authorize the enactment of a protective law of some character against the useless and impoverishing sacrifice of property.

There is another question which seems to me to be well worthy of consideration, in connection with compulsory payment of debts. Under our laws as they now stand, a heartless creditor may obtain a judgment, and thus secure a lien upon the property of the debtor to the exclusion of all other creditors. There may be a score of the creditors thus excluded, all of whom may be more necessitous than the one who has brought suit. But from considerations of common humanity, they will not ruthlessly fall upon and crush the struggling debtor.

Now, it is beyond dispute, that law, and law alone, gives validity to liens under judgments and executions. It is equally clear that these liens are subjects of legislative cognizance. It may, therefore, be well to inquire, whether some law could not be devised which would take from the pitiless creditor his present inducement to bring suit. To such a creditor it is a great temptation to be able to acquire a lien upon all his debtor's property to the exclusion of more humane, if not more meritorious creditors, who, in view of our common distress, decline to bring suit.

We have now upon the statute book a law which prohibits debtors from giving preference to creditors by assignment, however meritorious the preferred demand may be. And yet it is in the power of a creditor, who may be one of a hundred, to obtain, by his judgment, a lien on all which the law holds subject to the payment of debts, and thus as effectually accomplishes an exclusion of all other creditors, as could be done by a preferred assignment. It seems to me that it would be as competent for the Legislature to prohibit a preferred and exclusive lien under a judgment, as it would be to prohibit a preference in assignment.

The several plans of relief here referred to are merely mentioned, as before stated, in the form of suggestions. They are not offered as mature opinions. It is earnestly hoped that, in your wisdom, you may be enabled to devise means by which our good citizens will be saved from oppression and ruin. Should you fail to accomplish this desirable object, no one can conjecture the amount of disaster and suffering which will inevitably befall a large and worthy class of citizens who are already struggling against most discouraging adversity.

THE BANKS.

By the legislation of the last session, the chartered banks were allowed the privilege of reducing and consolidating their stock, at the discretion of their proper officers. From official information received at this department, it appears that but two of the banks have availed themselves of the privilege thus conferred. These are the Bank of Mobile and the Southern Bank of Alabama. By a resolution of the Board of Directors of the Bank of Mobile, adopted on the 2d day of February, 1866, the capital stock was reduced from a million and a half of dollars, to seven hundred and fifty thousand dollars. The stock of the Southern Bank of Alabama has been reduced from a million of dollars to two hundred and fifty thousand By

the terms of the law under which this reduction was made, the bonus payable to the State is correspondingly diminished.

The bonus due the State from the various banks has not been paid for the last two years. These institutions, within that time, have done little or no business. During the war their capital was drawn upon by the State, to the extent of more than half of their capital stock ; and they were required to receive in consideration therefor, bonds of the State. By the action of the Convention of September, 1865, the State is relieved from all liability on account of these bonds. Their loss therefore fell directly upon the banks, and left them in a crippled condition, from which they have not yet recovered, and in consequence of which, it is probable that none of them, except the two mentioned, whose capital stock has been reduced, will again be able to resume business.

Under all the circumstances, I think that it would be nothing but justice that the banks should be relieved from the payment of the bonus now due ; and respectfully recommend that a law be passed to that effect.

THE PENITENTIARY.

Since the period of your last adjournment, there has been a large addition to the number of convicts in the penitentiary. At the date of my former message the number was forty-one. From the report of the Inspectors, a copy of which is herewith submitted, it appears that on the first day of October last there were one hundred and fifty-eight. Of this number, thirty-eight are white, and one hundred and twenty-one colored. Nine of the colored prisoners are females. In a supplemental report, made by the warden of the penitentiary, dated November 6th, it is shown that the number of convicts has increased to two hundred.

The large proportion of colored prisoners over whites is easily accounted for. The principal portion of colored convicts have been sent from cities and large towns. To those places the negroes, upon becoming free, flocked in large numbers. They were lured thither by the false notion that they could there enjoy a life of ease and idleness. Too many of them were deluded into the belief that freedom necessarily carried with it an exemption from that kind of labor to which they had been accustomed as slaves. Most of the negroes who thus changed their location had been ordinary field laborers. They were wholly unsuited for city life. They were unskilled in any of the mechanic arts ; knew nothing of trade ; and

there was not an adequate demand for that sort of common labor which they were capable of performing. As a natural consequence, there was much demoralization and vagabondism, among them; some of them became vagrants, and not a few resorted to larcenies. Numerous convictions for these offenses necessarily followed.

By a provision contained in the new Penal Code, adopted at your last session, the Governor was authorized to lease the penitentiary for the term of six years, if, in his judgment, such lease should be conducive to the public welfare. Being fully satisfied that it was greatly to the interest of the State to lease the prison, I advertised for proposals in the manner prescribed by law. When the time arrived for opening and considering bids, it was found that no proposal was submitted which did not require the privilege of employing the convicts outside of the prison, and at any discretionary distance from it. Upon conferring with bidders, it was ascertained that no lease could be effected upon terms which I considered acceptable, unless the prisoners could be thus employed. But upon a careful examination of the law, I was not satisfied that it was the intention of the General Assembly to authorize the removal of the convicts to remote and indefinite distances from Wetumpka. In section 341 of the new Penal Code, reference is made to the employment of convicts "outside the prison walls." But this language, taken in connection with some of the sections preceding and following it, would seem, by a strict construction, to apply to temporary labor within the immediate vicinity of the penitentiary.

It was highly important, however, that the establishment be leased, if practicable, upon such terms as would relieve the State from the heavy expense which was indispensably necessary to support it. Indeed, the necessity for so doing was so urgent that I deemed it proper to lease it upon the most advantageous terms. A contract was accordingly made with Messrs. Smith & McMillan, as principals, and Messrs. Thomas Peters, A. K. Shepherd, and Samuel Tate, as sureties, for a lease, which, however, is contingent as to duration. By the terms of the contract, the lessees agree to take the penitentiary, and defray all its expenses, in consideration of which they are to receive all the profits arising from the labor of the convicts. But they reserve the right to relinquish the lease at the close of the present session of the General Assembly, if they are not permitted to employ the prisoners at distant points, to work on railroads, or in iron mines, or coal fields. Without this reservation it was found impracticable to accom-

plish a lease. If authority be given to work the convicts as stated, the lease is to run for six years.

Under authority of the 4th section of the "act to make appropriations for the fiscal year, ending on the 30th day of September, 1866," I agreed, on the part of the State, to advance the sum of fifteen thousand dollars, in the form of a loan to the lessees. This amount, with interest, is to be repaid to the State, at the end of six years, if the lease be continued for that time; or whenever the lease is surrendered, if that should be done. For the return of the sum thus advanced, full and ample security is given. The bond for the lease is also sufficient to insure a compliance with all the engagements contracted.

It is proper to mention, that I obtained the official opinion of the Attorney General as to the construction of the law relative to employing convicts outside the walls of the prison. The opinion of that officer is, that under the law as at now stands, the Executive would not be justified in granting to the lessees the privilege of carrying the prisoners to distant points.

A large class of the convicts now confined in the penitentiary cannot be profitably employed within the prison. But this labor might be made valuable and remunerative in mines, on railroads, and other works of internal improvements. I therefore recommend that authority be given for their employment in this way. There are many reasons which I regard as conclusive, in favor of adopting this mode of working such convicts as cannot be advantageously employed within the prison walls.

One important reason is the necessity of relieving the State from a burdensome expense. Without it the penitentiary will be thrown back upon the State. Again, the convicts, by being employed in the manner recommended, may be made not only self-sustaining, but will contribute materially to the development of our mineral and other resources. While thus employed, they might be subjected to such guards and restraints as would not soften or mitigate the punishment which the law imposes on them as offenders. Their labor and treatment could be so regulated as to answer all the purposes contemplated by those portions of our constitution and laws which authorize the imposition of involuntary servitude as a punishment for crime.

I refer you to the accompanying reports of the Wardens and Inspectors of the Penitentiary, as containing much valuable information, and many instructive suggestions on this subject. From these reports, it appears that many of the convicts, particularly of the colored race, do not regard their confinement

as any punishment at all. The indolent life which they lead, is rather enjoyed as a privilege. To them the penitentiary has no terrors. They feel none of its degradation. But such persons would keenly feel the severe hardships of enforced labor in iron and coal mines.

There is still another reason, based upon considerations of State economy, in favor of the proposed change in the labor system of the penitentiary. The prison, in its present condition, will accommodate only two hundred and eight convicts; being just eight more than are now confined. The two hundred convicts already in the prison, have all been sentenced within a period of but little over one year; and hence it is plain that if the present system be continued, there will have to be an addition to the number of prison cells, and other corresponding improvements. The dimensions of the wall of the penitentiary are barely sufficient for the interior arrangements which are essential for the present maximum of prisoners. Therefore, any preparation which may be made for an additional number of convicts, would involve the necessity of enlarging the area inclosed by the wall; and in order to extend the wall, the State would be compelled to purchase more land.

All this would require an expenditure of an amount of money which would be extremely embarrassing to the State, in its present financial condition. Under the proposed plan of working the convicts, the penitentiary system would not be abandoned. Among the prisoners now confined, there are several mechanics, whose labor within the prison walls might be made profitable. There would be no inducements for carrying to a distance any prisoners except unskilled laborers, who are physically capable of enduring the severest hardships, and most arduous toil.

THE PARIS UNIVERSAL EXPOSITION.

The United States Government has requested that the State Governments will aid in securing a proper representation of the resources of our common country, at the Universal Exposition, to be opened at Paris, in April, 1867. Being convinced that much good might result to our State by having her mineral, manufacturing and agricultural resources properly represented, I published a proclamation in August last, inviting our people to prepare specimens to be transmitted for exhibition. I also appointed Col. Joseph Hodgson, of this city, an agent, to receive such specimens as might be furnished, and forward them to the United States agent, in New York. The State

agent prepared and caused to be circulated a pamphlet giving, in a concise form, much valuable information as to the manner of preparing samples, and mentioning those that were most desirable. Much interest upon the subject has been excited, and there is every probability that a large number of varied specimens will be furnished. Our State abounds in minerals, many of which are of superior quality; and our growth and prosperity cannot but be greatly accelerated by having them properly advertised to the world.

The United States Government will furnish transportation for the products that may be forwarded, and possibly for an agent from each State. The contributions from this State, I think, will fully justify the sending of an agent to superintend and explain them at the Exposition.

There is no law authorizing any compensation to the State agent. Col. Hodgson has devoted much time and labor to the business of his agency; and it is respectfully submitted that for the services thus rendered, he should be reasonably compensated. I also recommend the appropriation of such a sum as in your judgment may be deemed necessary, to secure the attendance of an agent for the State, at the Paris Exposition. Should an appropriation for the purpose be made, the strictest economy will be observed in its expenditure.

TAX ON COTTON.

In the revenue law enacted at the last session of Congress, a specific tax of three cents per pound is assessed upon raw cotton. This tax is so unjust and so oppressive in its operations upon the productive labor of the cotton States, that I think a memorial should be sent to Congress in favor of its repeal, or at least, its modification.

The oppressive injustice of this extraordinary tax may be easily illustrated. Upon a bale of cotton weighing five hundred pounds, the tax is fifteen dollars. In addition to this, the cotton grower has to pay the ordinary income tax of five per cent. Assuming the cotton is worth thirty cents per pound, the gross value of the bale is one hundred and fifty dollars. In computing the cotton as income, the expense of producing the article, is of course, deducted. Supposing this expense to be one-third of the gross value of the cotton in the market, the income would be reckoned at one hundred dollars, which would involve a tax of five hundred dollars. This, added to the specific tax, makes an aggregate of twenty dollars as the amount assessed upon a single bale.

The illustration here given is not at all exaggerated. It is a plain statement of the practical operations of the law. Such an enormous tax upon agricultural labor was perhaps never before assessed by any government. Even at the present high price of cotton, it is actually a tax of twenty per cent. upon the profits of the producer. With a declension in the price of cotton, there would, as a matter of course, be a corresponding increase in the per centum of the taxation. But at the rate of twenty per cent. this tax is more than four times as heavy as is levied upon any other branch of industry. Should Alabama produce this year no more than two hundred and fifty thousand bales, the United States tax upon the crop will amount to five millions of dollars.

But there is still another very extraordinary feature in the law respecting this specific tax. Upon all cotton fabrics or yarns, manufactured for export, the manufacturer receives from the United States treasury a gratuity of three cents per pound. It is thus in the power of the manufacturer to draw from the treasury every dollar paid into it from this specific tax. Therefore, it cannot be pleaded in extenuation of this oppressive burden, that it is demanded by the necessities of the treasury. It is nothing more nor less than a bonus offered for the manufacture of cotton goods for exportation. It is a munificent bounty ruthlessly wrung from the hard earnings of the toiling freedmen, and given to those who are prospering in business which already yields enormous profits, and who, in many cases, are in the full enjoyment of independent fortunes.

This specific tax, viewed in any light, is a direct burden upon the labor which produces cotton. Cotton lands are cultivated almost exclusively by freedmen; and hence the pressure is upon them. Arguments are not necessary to demonstrate the correctness of this proposition. The effect is direct and immediate upon such freedmen as farm on their own account; but a no less injurious result is indirectly wrought upon those who labor as the employees of others.

We have no voice in Congress. This enormous and burdensome tax was assessed upon us when we were denied representation. We have now no means of making known to Congress the oppressive, if not ruinous, effects of this law, except in the form of a petition for redress of grievances. This State lost five hundred millions of dollars by the war. We are, therefore, comparatively poor, so far as concern actual, available resources. We are struggling to recuperate our fortunes. Many adversities frown upon us. Our condition is bad enough at best. We are not permitted to participate

either in the making or in the administration of Federal laws. But to all of those laws we yield a patient and an honest obedience. And surely under all these circumstances, the national legislature will give a reasonable heed to our petition. If by no other consideration, the promptings of self-interest should induce them to remove this crushing weight from us. A law which paralyzes our energies, and represses the development of our resources, is injurious to the whole country. We may, therefore, appeal to the common interest of the entire nation as demanding a repeal of this inexcusable discrimination against the productive industry of the cotton growing States.

INSANE HOSPITAL.

From the most reliable data at hand, there are within the State of Alabama at least seven hundred persons who are classed as insane. It is a solemn duty, imperatively resting upon every State, to provide all proper means for the care, treatment, and, if possible, the cure of this unfortunate class. Our State has made very liberal and very humane provision in this regard. The Alabama Hospital for the insane, established at an expense of some \$300,000, is now in efficient and useful operation. There are at this time seventy-five patients in the institution; and it is well prepared to receive and take proper care of many more. Indeed, the establishment, as now conducted, will afford accommodations for at least three hundred and fifty persons, or about one-half of those in the State who are afflicted with mental imbecility.

The Insane Hospital at Tuscaloosa is now under charge of Dr. P. Bryce, a highly competent and very efficient officer. The rules and regulations of the establishment are such as to insure all the comfort which mentally infirm persons can enjoy. Nor is it to bodily care alone that these rules apply. Every effort is made, in the treatment of patients, to improve their intellectual condition; and, if possible, restore them to full mental health.

The hospital is open to all classes of patients. Those that are able to pay are charged at a moderate rate—as moderate as can be found at any similar institution in the United States. For those who are unable to pay, full provision is made. Under the laws governing the institution, all the expenses of such persons are paid, one-fourth being borne by the State, and the remaining three-fourths by the county from which the patient comes. I think that the usefulness of the

Hospital would be increased by such a modification of the law as would diminish the proportion of the expense which counties are required to pay for the indigent insane.

The benefits of this Hospital do not consist in the mere fact of its being an asylum wherein the unfortunate inmates may find security against harm to themselves or others. One of the chief objects of the institution is to administer such treatment to the patients as will contribute to a restoration of their reason. The question of improving and curing diseased minds has of late years engaged the earnest attention of the medical profession. This is particularly the case with many physicians connected with public institutions for the insane, and some highly important and satisfactory results have been accomplished. A recently published report of the operations of the Pennsylvania Insane Hospital contains some valuable statistics upon this subject. That institution is under the charge of Dr. Thomas S. Kirkbride, who, from his eminent professional abilities and long experience, is regarded as high authority upon the subject of treatment for the insane. In his report he shows that many effective cures have been accomplished upon persons whose insanity was deemed hopeless beyond remedy. He is of the opinion that, if prompt and timely attention be given, a large majority of cases may be thoroughly cured, where the mental disorder is not hereditary. Facts such as these appeal strongly to relatives and friends to send persons of this class to the State Hospital for treatment.

I consider it important that provision be made for insane colored persons. This can be easily done in the Hospital at Tuscaloosa. The plan of the building is such that it can be readily and conveniently divided into three distinct apartments, one of which might be appropriated to the freedmen. I recommend that proper authority be given for this purpose.

THE FREEDMEN.

The experience of the past year is of much value in enabling us to form a correct conclusion as to the character and conduct of the negroes in their new condition. The laws enacted for the protection of their persons and property as freed people, have, in the main operated satisfactorily. Under our laws as modified since the slaves were emancipated, the freedmen have made contracts; and as a general thing, so far as this Department is advised, the contracts have been faithfully observed on both sides. There has been little, if any, difficulty in regard to engagements for labor on farms and plantations. Where the

freedmen have pursued the occupation to which they have been accustomed, they have obtained ready employment and prospered, as well at least, as could be expected from the unfavorable season.

Those, however, who have lurked about towns and cities have not done so well. This is particularly the case with such as have left plantations. This class has suffered greatly by the change of homes. They know nothing of trade; and of that kind of plain, unskilled labor which alone they could perform, there is not a sufficient demand to enable them to make a support. The natural consequences have been, unthriftiness, much idleness and suffering; some vagrancy and no little crime, as well as much sickness and mortality.

For this disposition to flock to towns and cities, there is no legal remedy. The only agency which can be employed to prevent it, is moral suasion. All proper means should be used to convince the freedmen in the country of the fallacy of the idea that a city life is one of ease and pleasure. Those that have left plantations, should, if possible, be convinced that it is to their interest to return to them. There they can make a comfortable and an independent living, and at the same time be useful to the community.

In reference to contracts with freedmen, there have been some exceptional instances of bad faith, which are strongly suggestive of the necessity of legal remedy. These exceptions are where employers of freedmen have, by captious unreasonableness, sought and even created pretexts for finding fault with their employees, and discharging them without pay, alleging a violation of contract on the part of the freedmen. The only remedy left the freedman is a suit for his wages, and this is so tardy as to be scarcely worth pursuing.

For such injustice as this, a remedy should be provided. It could be found in a law which would authorize a summary and an effective mode of enforcing payment for labor of the character under consideration. I respectfully invite your attention to this subject.

We have a high moral duty to perform toward the freedmen. Their freedom was accomplished without any agency of their own. They are still among us, and are dependent upon the superior intelligence of the whites for that advice which is necessary to guide them in the paths of rectitude and industry. Let them be convinced that we are their friends, and that we feel an interest in their prosperity and welfare. They should be assured of our firm purpose to give them all their legal rights. We should advise them to let politics alone;

and they should be especially taught the utter absurdity of expecting or aspiring to a condition of social equality with the white race. To do so, would be to struggle against a palpable and an inexorable decree of Providence.

The right to testify in courts in certain cases, was extended to freedmen at your last session. The law authorizing this kind of testimony was necessarily experimental ; but experience has demonstrated that it is productive of good results. Colored persons are permitted to testify in cases where they are interested, and where there is every inducement for false swearing which may be reasonably supposed to influence this class of witnesses. But even with these strong temptations to commit perjury, the testimony of freedmen has been found valuable in the ascertainment of truth. With this experience before us, I think that the public good would be promoted by removing all restraints upon the competency of freedmen to testify in our courts. Their evidence, like that of all other witnesses, would be carefully weighed by the courts and juries, and estimated at its proper value.

Now that the negroes are free, they are required to pay taxes. This is right and proper. But they pay very little beyond the poll or capitation tax. The education of colored children involves a question to which we should not be altogether indifferent. It might be the true policy to set apart the revenue derived from taxes upon freedmen, or a portion of it, to be applied to the education of their children, and the support of the indigent, aged and infirm of that population. This question, however, is respectfully submitted to your superior wisdom and discretion.

SUPPLIES FOR THE DESTITUTE.

The amount of destitution in our State has been, and still is, not only distressing, but absolutely appalling. The Federal Government has been bountiful in its supplies ; charitable associations and private individuals have been liberal in their contributions ; and the State has done its utmost ; but with all this there has not been a sufficiency furnished to meet the necessities of our destitute population.

The Federal Government commenced the distribution of supplies in November, 1865. Up to the thirtieth of September last, a period of eleven months, the aggregate number of rations issued was three millions seven hundred and eighty-nine thousand, seven hundred and eighty-eight, (3,789,788.) These figures are taken from official statistics, which have been

reported to this Department. They show an average distribution of about eleven thousand five hundred rations per month. Of the persons who have actually received supplies, the average per month is twenty-one thousand seven hundred, (21,700.) The number of white recipients exceed those of the blacks in the proportion of more than two to one. In addition to the supplies thus furnished, liberal contributions have been made in money and provisions, by private individuals and relief associations in various States. The assistance thus kindly extended, has been a Godsend to our suffering people.

By the act of February 23d, 1866, the Executive was authorized to issue bonds to the amount of five hundred thousand dollars, drawing six per cent. interest, and dispose of them for the benefit of indigent families of the State. The object sought to be accomplished by the act was eminently praiseworthy ; and I employed every effort in my power to attain it. But I was wholly unsuccessful. The bonds were found to be entirely unavailable. I was unable to dispose of them for either money or provisions upon any terms that were at all acceptable, even for the urgent purpose of supplying the destitute. The chief objection urged against them was that insufficient provision was made for their redemption.

In consequence of the inability to use these bonds, it was not in the power of the State to extend that amount of relief to our suffering people which was desired. In some counties the destitution was so extreme, that I authorized the Judges of Probate, in conjunction with two other reliable citizens, to purchase corn on the State's credit, pledging payment on the first of January next. The amount authorized for each of such counties was one thousand bushels. In doing this, I entertained no doubt that the arrangement would be sanctioned by the Legislature ; and that proper authority would be given for paying the indebtedness thus incurred. In addition to this, I found it necessary to draw funds from the treasury to pay for the transportation, and other incidental expenses.

In the month of June last, I made a visit to the Northwest, with a view, if possible, of purchasing supplies on State account. I there learned, as before observed, that the six per cent. bonds could be used for the purpose. In view, therefore, of the necessity of the case, I deemed it a duty to appropriate a portion of them to the purchase of supplies. Accordingly, a lot of corn was purchased at a low rate, and the banks of St. Louis purchased readily, and at par, a sufficient amount

of bonds to pay therefor. The highly respectable firm of Carr & Luke made the purchases, and shipped the corn free of charge. The amount of bonds used in this way, including payment for transportation, was forty-eight thousand five hundred dollars. It is hoped that this disposition of the bonds will meet your approval. The corn thus obtained was distributed in such localities and in such quantities as were deemed most needy, and afforded much relief which would not otherwise have been found.

It was fondly hoped that the crop of the present year would have been sufficient to save us from any further destitution. But unfortunately this is not the case. The season has been exceedingly unfavorable; and the crops are lamentably short. It is the opinion of the Commissioner for the Destitute, expressed in his official report, that there will not be half enough of grain raised to subsist the population of the State. From information received from Probate Judges, and various other sources, I am inclined to believe that this opinion is but too well founded.

By an order issued some time since from the War Department, at Washington, it was directed that the issue of rations through the agency of the Freedmen's Bureau, be discontinued after the thirtieth of September. The enforcement of that order would have left our destitute population in a most lamentable condition. An earnest appeal, therefore, was made in favor of a modification of the order, so that actual starvation might be prevented. It is but just to Major General Swayne, the commandant of the military district of Alabama, and Assistant Commissioner of the Freedmen's Bureau, to say that he exerted his influence with the authorities at Washington, against the unconditional discontinuance of rations in the State. As the result of his interposition, he was not only authorized to furnish further supplies, but given a discretion upon the subject which he has decided to exercise in a way which I think will be highly beneficial. Gen. Swayne is authorized to purchase supplies for distribution for the next three months to the value of one hundred and twenty thousand dollars. He has an agent now employed in making purchases, which are to be confined to corn and bacon. By furnishing these articles of food, instead of regular rations formerly issued, it is thought that much more good will be accomplished. These supplies will be consigned to the Judges of Probate of the several counties, and distributed under their supervision.

It is for you, in your wisdom, to decide upon what is best to be done in relation to relief of the destitute for the ensuing

year. The question is embarrassing in all its aspects ; but everything should be done which is in the power of the State.

THE UNIVERSITY.

By the act of February 23, 1866, it was provided that the sum of twenty thousand dollars be loaned to the University of Alabama, for the purpose of erecting a building for that institution. The loan was to be drawn from the treasury in three annual instalments, beginning with the year 1867. Encouraged by this liberality on the part of the State, the Trustees took the proper steps to have the building commenced. The bricks, and other necessary materials for that purpose, are now in process of preparation. When the loan was applied for, it was thought that the edifice could be completed by the year 1870. It is now probable that it will be done much sooner.

The President of the University, Dr. L. C. Garland, has been zealously and actively engaged in efforts to collect a library and scientific apparatus. No official report upon the subject has been received from that officer ; but it is hoped, that in his praiseworthy efforts he has met with encouraging success. This is a highly important and valuable institution ; and we may reasonably hope that, at no distant day, it will be in a condition to resume the practical operations of its educational usefulness.

COMMON SCHOOLS.

Our common school system was necessarily interrupted by the war, and has not yet recovered from the derangement. It is highly important, however, that it be put in full operation as soon as practicable.

No interest upon the common school fund has been paid for the last two years. The reason for this is, that the schools have been suspended. But there is a growing interest upon the subject, as appears from numerous communications received at this Department, in which inquiries are made in reference to the practicability of obtaining the interest due various townships.

The necessity for an efficient system of public schools, in Alabama, was never more urgent than at the present time. For four or five years that class of youths for whom these schools are mainly designed, have been deprived of all educational advantages ; and one of the unfortunate results of the war has been to greatly increase the number of this class.

The annual interest on the common school fund is one hun-

dred and two thousand, six hundred dollars (\$102,600). Two years' interest is now payable. I am still of the opinion, which I expressed in my former message, that a sufficient amount ought to be appropriated from the treasury to equalize the benefits of the system in the various townships. As a general thing, those townships wherein the sixteenth sections have been valueless, and which have little or none of the school fund to their credit, contain a population which specially need the advantages of our public schools. These advantages ought to be afforded them, and they can be found in no other way except by furnishing means from the Treasury to support schools in them similar to those maintained in townships which have a sufficiency of the sixteenth section fund.

MAIMED AND DISABLED SOLDIERS.

We have a large number of maimed and disabled soldiers, for whom provision should be made by the State. Those who have lost limbs, and are unable to procure artificial ones, should have them supplied by the State. This is due them for their gallantry and patriotic sacrifices in the State's service.

The demand for artificial limbs, both North and South, is so great, that they are being manufactured in large quantities; and from competition and rivalry in the business, the highest artistic skill is employed in their production. Substitutes for lost limbs of great perfection are now made; but their cost is such as to place them beyond the reach of many who need them. I think it is a duty which the State owes to this class of our maimed soldiers to supply them with artificial limbs.

DEAF AND DUMB INSTITUTION.

The institution for the Deaf and Dumb, at Talladega, is now in successful operation. It is in the charge of Professor Johnson, under whose judicious management the fullest opportunities are afforded for acquiring an education by deaf-mutes. Full payment has been made to the institution for all arrears, which accumulated during the war. It is earnestly advised that the unfortunate class for whose benefit the institution was established, should avail themselves of its advantages.

ELECTION OF UNITED STATES SENATORS.

I have received from the State Department at Washington, an official copy of an "Act to regulate the times and manner

of holding elections for Senators in Congress." As the law prescribes a mode of choosing Senators different from that heretofore provided for by this State, I hereby transmit an authentic copy of it.

SECRETARY OF STATE—ADJUTANT AND INSPECTOR GENERAL.

On the first day of April last, the office of Adjutant and Inspector General of the State became vacant by the lamented death of Gen. Hugh Park Watson. Gen. Watson had held the office for many years, and discharged its duties with ability, fidelity and usefulness to the State. In his death the State lost a most efficient officer, and the community, a high-toned, honorable, and useful citizen.

A vacancy occurred in the office of the Secretary of State on the first of July, occasioned by the resignation of Albert Elmore, Esq. As the successor of Gen. Watson, I appointed Col. George E. Brewer. To the office of Secretary of State, D. L. Dalton was appointed. By a constitutional provision, the tenure of these appointments extends to the close of your present session. It will therefore devolve upon you to fill these offices by election, before your adjournment.

THE PROBATE COURT OF MOBILE.

In consequence of the closing of the Probate Court of Mobile, I commissioned on the 30th of August, the Hon. Geo. W. Bond, late Probate Judge, to receive all license and other taxes which would properly pass through the office of the Probate Judge. In addition to this, the report of Judge Bond, a copy of which is herewith transmitted, will show, that at the urgent solicitation of the citizens of Mobile, he has performed all the duties appertaining to the office of Probate Judge, except those of a judicial character. His services have been of great value to the State, and city and county of Mobile, and I recommend that an indemnifying act be passed, giving legal validity to his official acts.

RAILROAD LANDS.

By an act of Congress, approved June 3, 1856, the Federal government made a liberal donation of public lands to aid in the construction of various railroads in Alabama. The lands were given in alternate sections, along the lines of the several roads named in the act. They were to be disposed of as the

building of the roads progressed, in the proportion of one hundred and twenty sections for every twenty miles completed. All the lands which were undisposed of in this way within ten years reverted to the United States. This period of ten years expired on the third of June last.

All of these roads were in process of construction at the commencement of the late unfortunate war. But the work upon them was, as a matter of course suspended for the entire period of hostilities. Had it not been for the war, they would all doubtless have been completed; and they would thus have obtained the full benefit of the entire grant of lands. But upon the return of peace, the period of ten years was about expiring; and at your last session a memorial was adopted, appealing to Congress to extend the period for the reversion of the lands to the United States for five years from the third day of June, 1866. A duly authenticated copy of this memorial was transmitted to the President of the United States, and by him communicated to Congress. While at Washington I used my best exertions in favor of the object contemplated by the petition. By subsequent correspondence with the Executive Department, and with members of Congress, I urged the justice of the case. While Congress was in session, the Commissioner of the Land Office ordered that all the alternate sections embraced in the grant of 1856, be withheld from private entry, and the operations of the homestead law. Congress took no action upon the subject, though I do not think that this non-action resulted from any opposition to an extension of the grant. That measure, like many others, was left unacted upon when Congress adjourned. I have strong hopes that Congress will yet extend the time to our railroads, so that they may secure those benefits from the grant which they were deprived of by the war.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

I have received from the State Department at Washington, a duly authenticated copy of a resolution of Congress proposing a Fourteenth Article to the Constitution of the United States. A verified copy of the resolution is transmitted herewith.

This proposed article contains five sections. The first, after describing who are citizens of the United States, closes in the following words:

“No State shall make or enforce any law which shall
“abridge the privilege or immunities of citizens of the United

“States; nor shall any State deprive any person of life, liberty or property, without due process of law.”

The Constitution of the United States, as it now stands, provides that no person shall “be deprived of life, liberty, or “property, without due process of law.” A provision similar to this is contained in the Constitution of Alabama, and, I presume, of every State in the Union; and thus the sacred rights of persons and property are protected by all the safeguards which human constitutions and laws can furnish. It is important, therefore, to examine closely and carefully into the proposition to change this great tenure of our institutions.

The courts of the United States have a clearly defined sphere of jurisdiction. The jurisdictional limits of the State courts are also distinctly marked. In nothing did those great and good men who founded our Government, display more wisdom and foresight, than in the establishment of a properly balanced system of Federal and State judiciary. For more than three-quarters of a century this system has worked with admirable harmony. During that long period, it has afforded such ready, full and efficient opportunities for enforcing all the rights, and redressing all the grievances of the citizen, that up to this time not even the slightest defect has been alleged against it. It has passed unscathed through the fiercest contentions of political parties. The country has, at different times, been agitated by almost every conceivable question, except a reform of the judiciary. That has operated with such universal satisfaction that not even the wildest political dreamer, or most impracticable sentimentalist, has ever ventured to assail it.

After all these conclusive evidences of the perfection and triumphant success of our judiciary system, it is certainly the part of wisdom to pause and deliberate, before we give our sanction to a proposition which would effect a radical change in it. A careful examination would show that the words, “nor shall any State deprive any person,” which are contained in the first section, are of vast, if not dangerous import. It would enlarge the judicial powers of the General Government to such gigantic dimensions as would not only overshadow and weaken the authority and influence of the State courts, but might possibly reduce them to a complete nullity. It would give to the United States courts complete and unlimited jurisdiction over every conceivable case, however important, or however trivial, which could arise under the State laws. Every individual dissatisfied with the decision of a State court, might apply to a Federal tribunal for redress. It matters not what might be the character of his case. It might be civil, or

criminal. It might be a simple action of debt, or a suit in trover; it might be an indictment for assault and battery, for larceny, for burglary, for arson, or for murder. It would be all the same. Upon a simple complaint that his rights, either of person or property had been infringed, it would be the bounden duty of the tribunal to which he made his application, to hear and determine his case. The granting of such an immense power as this over the State tribunals would, at the very best, subordinate them to a condition of comparative unimportance and insignificance, and might prove utterly destructive of that full security for the enjoyment of all the legal rights of property, and those effective guarantees against arbitrary oppression, which the people have found in our present judicial system, ever since the organization of the Government.

The second section of the proposed amendment would make a radical change in the representative system of the General Government. Under the Constitution as it now stands, representatives in Congress are apportioned among the several States, according to their respective number of inhabitants. By the proposed second section, if in any State the right to vote is denied to any class of its inhabitants, the representatives for such State are to be reduced in the proportion which the excluded class shall bear to those enjoying the right of suffrage. The practical effect of this section upon the Southern States would be a loss of nearly half of the representatives to which they are now entitled, if they should not extend the elective franchise to the negroes. But there would be very little, if any diminution in the Northern States, as they contain but a small negro population.

In most of the States now represented in Congress, there is a large number of unnaturalized foreigners. By the laws of nearly all of those States, the elective franchise is withheld from foreigners until, by a proper period of residence, their naturalization is perfected. Still, they have the right of suffrage in prospect; the right to vote not being denied them in the sense contemplated by this amendment; and hence, they would be regularly counted in the representative apportionment. By this means the numerical strength now held by those States would be retained. Therefore, if this amendment should be incorporated into the Constitution, the representative apportionment in some of the States would be based upon the whole number of the inhabitants, while in others it would be governed by actual voters. This would be an unfair and an unjust discrimination against the Southern States.

The third section of this proposed Fourteenth article is still more objectionable. It establishes a test of eligibility for office, both Federal and State, which is not only unnecessarily and unjustly proscriptive, but which might possibly lead to the most ruinous consequences. Experience has demonstrated incontestably, that the interest of the Government does not require such a rigid and discriminating test. The officials chosen since the war to conduct the operations of the non-represented States, have had numerous and embarrassing difficulties to contend with. But amidst all their discouraging embarrassments, they have firmly and faithfully discharged their public duties in strict harmony with the Constitution and laws of the United States. They, as well as the people for whom they act, fully recognize their indissoluble identity with the Union, and are earnestly and honestly laboring to maintain it in its constitutional integrity. All this shows that the people may be very safely allowed the untrammelled privilege of choosing their own agents from among those who are eligible to positions of public trust under the Constitution as it now stands. The people of the States which are now denied representation in Congress, would not murmur at any standard of patriotism, or test of loyalty to the General Government, which might be applied to their professions and conduct since the close of the war. If punishments are to be inflicted for preceding conduct, surely the pains and penalties prescribed by the laws now standing upon the National Statute Book, are amply sufficient for the purpose. They are certainly rigorous enough to accomplish all legitimate purposes of any government controlled by true statesmanship.

If the disabilities imposed by this third section be designed as a punishment for acts heretofore committed, the amendment would operate practically as an *ex post facto* law, which is contrary to the whole spirit of modern civilization. The creation of a penalty to be imposed as a punishment for an act, after that particular act has been committed, is a thing unknown in the history of enlightened liberty. Such a mode of dealing with citizens charged with offenses against government, belongs only to despotic tyrants. It may accomplish revengeful purposes, but it is not the proper mode of administering justice.

The adoption of this amendment would vacate nearly all the offices in most of the unrepresented States. It would summarily and ruthlessly sweep away Governors, Judges, Legislatures, Sheriffs, Justices of the Peace, and Constables, and thus the State Governments would be completely broken up. In-

deed, they would be reduced to utter and hopeless anarchy, as the destroyed States could leave behind them no authoritative provision for the re-establishment of governmental order.

The great mass of the people in the non-represented States are now practically excluded from all Federal offices by a stringent test oath, which was placed upon the statute book while the war was raging. We have high official authority for saying that the disabilities imposed by that test oath are seriously detrimental to the interest of the Government in some of its important branches. Communications to this effect were addressed to Congress, at its recent session, by the Secretary of the Treasury and Postmaster General, and that body was appealed to for relief. There is no difficulty in finding men whose present loyalty is undoubted, and who would make efficient revenue collectors and postmasters. But the inexorable test oath is so broad and sweeping that the Government is deprived of their services. It was clearly in the power of Congress to grant the relief asked for by a majority vote, but I am not aware that it was done in a single instance. This proposed third section would not only add greatly to the disabilities of the test oath, but it would abridge the relieving power of Congress, by requiring a vote of two-thirds instead of a majority.

For reasons, such as these, I am decidedly of the opinion that this amendment should not be ratified. The first section embodies a principle which I regard as dangerous to the liberties of the people of the whole country. That principle is as applicable to New York and Massachusetts as to Alabama. The second section proposes a change in a feature of our Government which has never been complained of before. The question of representation has never been a source of trouble or inconvenience. It contributed in no way to the recent troubles of the country, and a change in it cannot be legitimately claimed as forming any part of the results of the war. The third section would bring no possible good to the represented States, while it would reduce those that are unrepresented to utter anarchy and ruin.

We are sincerely desirous for a complete restoration of the Union. We want conciliation, harmony and national tranquillity. We feel that we have given every evidence which human action can furnish of an honest purpose to conform in good faith to the condition of things surrounding us. Alabama is to-day, as true to the Constitution and laws of the General Government, as any State in the Union. Under the internal revenue law and the tax on cotton, the people of this State are

now paying revenue to the General Government at the rate of nearly ten millions of dollars a year. In the enactment of these laws we had no voice. This amendment was proposed when nearly one-third of the States were unrepresented, and all of its harsh features are aimed directly at the States thus excluded. The ratification of such an amendment, proposed under such circumstances, cannot, in any possible view, accomplish any good to the country, and might bring upon it irretrievable disaster.

R. M. PATTON.

On motion of Mr. Bethea, the House adjourned until 10 o'clock to-morrow morning.

TUESDAY, November 13, 1866.

The House met pursuant adjournment.

Prayer by the Rev. Mr. Vansandt.

Journal of yesterday read and approved.

CALL OF THE COUNTIES.

Bills were introduced by Mr. Dasher, to amend the Revenue Laws as to the counties of Autauga, Shelby, Mobile, Pickens, and Talladega ;

Which bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Davis of Bibb, to constitute Emily J. Rattenberry a free-dealer ;

Which bill was read first, second and third time.

On motion, the third reading being reconsidered,

Mr. Morse, moved to amend, so as to include Louisa Steinwinder, wife of James E. Steinwinder, which amendment was adopted, and the bill referred to the Judiciary Committee.

Mr. McBee, to reduce the poll tax from two dollars to fifty cents ;

Which bill was read first and second times, and referred to the committee on Ways and Means.

Mr. Meadors, to authorize the Commissioners Court of Chambers county to issue Treasury Notes, to pay the present indebtedness, for the building, enlarging and repairing the court house, and for other purposes ;

Which bill was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Robinson, for the relief of Phillip T. Avery, of Chambers county;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary committee.

Mr. Morse, to repeal section 1556 of the Code of Alabama;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to a select committee of eight, consisting of Messrs. Morse, Cox, Leeper, Goodwin, Woolf, Gibson, Sheffield and Pierce.

Mr. Vansandt, to change the time of holding the Circuit Court of Coosa, and to repeal an act therein named;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Mabry, to incorporate the National Hotel Company of Selma;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Mabry, to regulate the courts of the middle chancery division of the State of Alabama;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Mabry, to regulate judicial proceedings in the courts of Alabama;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Mabry, to exempt property from sale under execution in the State of Alabama;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Craig, to repeal "an act establishing the Canebrake Agricultural District," so far as the county of Dallas is concerned;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to a special committee of three, consisting of Messrs. Craig, Bethea and Pierce.

On motion, the call of the counties was suspended to allow Mr. Mabry to make the following resolution, to-wit:

Resolved, That the existing revenue law of the State, be and

it is hereby referred to the Committee of Ways and Means for revision, and the said committee be instructed to report as early as practicable such changes and amendments as may be deemed necessary to secure an equitable and practical operation of the same.

Adopted.

Mr. Craig introduced a bill to remove the city court of Selma to Cahaba ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Goodwin, for the relief of James Gober, of Franklin county ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Raisler, to enlarge and extend the time of holding the circuit court of the county of Limestone ;

Which bill was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Humphrey, to authorize the mayor and aldermen of Huntsville to issue the bonds of said corporation ;

Which bill was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Humphrey, to amend the charter of the city of Huntsville ;

Which bill was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Woolf, to establish the city court of Demopolis ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Woolf, to incorporate the Briarfield Iron Works Company of Bibb ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Woolf, to exempt property for the use of families in the State of Alabama ;

Which bill was read the first and second times under the suspension of the constitutional rule, and referred the Judiciary Committee.

Mr. Woolf, to require certain officers of Marengo and Russell counties to reside at the court house or within one mile thereof ;

Which bill was read the first, second and third times under the suspension of the constitutional rule, and passed.

Mr. Woolf, to remove the administration of the estate of John Kelley, from Wilcox to Marengo county ;

Which bill was read the first, second and third times under the suspension of the constitutional rule, and passed.

Mr. Woolf, to fix the time of holding the court of the county commissioners of Marengo county ;

Which bill was read the first, second and third times, under the suspension of the Constitutional rule, and passed.

Mr. Woolf, to declare Caroline B. Balwin, a free dealer ;

Which bill was read the first and second times under the suspension of the constitution rule, and referred to the Judiciary Committee.

Mr. McKinstry, to regulate admiralty proceedings in the circuit and city courts of Mobile county ;

Which bill was read the first and second times under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. McKinstry, to amend "An act to regulate judicial proceedings," approved February 20, 1866 ;

Which bill was read the first and second times under the suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. McKinstry, to regulate the disposition of moneys arising from sales of property in attachment suits ;

Which bill was read the first and second times under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. McKinstry, to increase the fees of the public officers of Mobile county ;

Which bill was read the first and second times under the suspension of the constitutional rule, and ordered to be engrossed.

Mr. McKinstry, to grant right of way to the Stone Street Rail Road in Mobile county ;

Which bill was read the first and second times under the suspension of the constitutional rule, and ordered to be engrossed.

Mr. McKinstry, authorizing formation of corporations for manufacturing, mining, mechanical, chemical, mercantile and insurance purposes ;

Which was read the first and second times under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Tompkins, respecting and regulating suits, to enjoin or restrain proceedings or judgments at law ;

Which was read the first and second times under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Seawell, to amend the charter of the town of Marion ;

Which was read the first and second times under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Seawell, for the relief of Montgomery P. Kennon and Carlos Reese, Jr.;

Which was read the first and second times under the suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Worthy, Meadors, Potter and Seawell.

Mr. Worthy, a bill to create a new county of portions of Macon, Montgomery, Pike, and Barbour counties, to be called the county of Bullock ;

Which was read the first and second times under the suspension of the constitutional rule, and referred to the committee on county boundaries, with accompanying documents.

Mr. Worthy, to repeal an act, entitled An act to incorporate the Tuscaloosa Scientific and Art Association for the purpose of encouraging science and art, and aiding the University of the State in replacing the library and establishing a scientific museum ;

Which bill was read the first and second times under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Worthy, a bill to declare Patience Coleman a free dealer ;

Which bill was read the first and second times under the suspension of the constitutional rule.

Mr. Goodwin moved to amend by adding the name of Eliza D. Greenleaf. Adopted.

Mr. Meaders moved to addend by adding the name of Tere-say Moore, wife of B. B. Moore, of Chambers county. Adopted.

Mr. McCoy of Tallapoosa, moved to amend by adding the name of Sena Stuart, wife of Amos Stuart, of Tallapoosa county. Adopted.

Which bill was then referred to the Committee on the Judiciary.

Mr. Lanier, a bill to incorporate the Sipsey River Manufacturing Company ;

Which bill was read the first and second times under the

suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Connelly, a bill to amend An act to establish Revenue Laws of the State of Alabama ;

Which bill was read the first and second times under the suspension of the constitutional rule and referred to the Committee on Ways and Means.

Mr. McCoy, a bill for the relief of Pierce L. Lewis, Canty W. Pitts and William H. Harris of Russell county ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and ordered to be engrossed.

Mr. McCoy of Tallapoosa, a bill for the relief of Seaborn H. Holstein of Tallapoosa county ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and passed.

Mr. Thrasher, a bill for the relief of James B. F. Lindsey of the county of Tallapoosa ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee ;

Also, a bill for the relief of Johnson Phelps ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Manasco, a bill for the relief of James P. Little, Elias Studman and William Wakefield of Walker county ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the committee of Accounts and Claims.

Mr. Smith of Choctaw, a bill to regulate the powers of the Probate Courts of the State, in reference to the sale of lands ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Hare, a bill relating to the guardianship of Anson R. Brackett, and the transfer of his estate ;

Which bill was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Speaker, laid before the House the report of the Adjutant and Inspector General ;

Which was referred to the committee on Military Affairs.

Mr. Hare, a bill to authorize the administrators of W. H. Hibblen, deceased, to rent the lands of said estate ;

Which bill was read the first and second times, under the suspension of the constitutional rule, and passed.

Mr. Hare offered the following resolution; which was adopted:

Resolved, That a select committee be appointed, consisting of one from each Judicial Circuit, to whom shall be referred all treasures of relief, having reference to the embarrassed condition of the people, and their necessities in the present state of this country; and that said committee when appointed, shall report promptly, from time to time, during the session.

On motion of Mr. Pierce, the resolution was reconsidered, and on motion of Mr. Goodwin, it was laid on the table.

Mr. Hare, offered the following resolution;
Which was adopted.

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of abolishing the present county court system, and reporting a bill to this House embracing in substance the following provisions:

1st. Amending section 384 of the Penal Code, so as to give justices of the peace jurisdiction in their beats, of the offences therein named; concurrently with the circuit and city courts of their counties, and adding to the list of offences cognizable the enticing away of servants and apprentices under contract for labor, and the abandonment of contracts for labor, in violation of law, and the employing them with a knowledge that they have so abandoned their contract.

2d. Providing for the summoning and empanelling a jury of six in such cases, on demand of the party accused.

3d. Providing that when the sentence, as the law now is, would be hard labor in the county, it may be labor upon any designated highway, street, bridge, or other public work, in the town or beat where the offence is committed, or whipping, at the discretion of the jury trying the case.

Mr. Vansandt offered the following resolution,

Which was adopted:

Resolved, That the Committee on Education be instructed to inquire into the expediency and propriety of passing a bill to abolish the office of county superintendent of education in the State of Alabama.

Mr. Morse offered the following resolution,

Which was adopted:

Resolved, That the Committee on County Boundaries be revised by the Speaker, so as to embrace one member from each judicial circuit.

Mr. Mabry offered the following resolution,

Which was adopted:

Resolved, That the Committee on Printing be and it is here-

by instructed to inquire into the cause of the delay which occurred in printing the Acts of the General Assembly of the last session, the Penal Code and the Revenue Laws, and report the same to the House as early as practicable.

Mr. Raisler offered the following resolution,

Which was adopted :

Resolved, That a committee be appointed consisting of one member from each county composing the 4th judicial circuit, to reorganize the courts of said circuit.

On motion of Mr. Padgett,

The House adjourned until ten o'clock to-morrow.

WEDNESDAY, November 14th, 1866.

House met pursuant to adjournment.

Prayer by Rev. Mr Petrie, of Montgomery.

Journal of yesterday read, corrected and approved.

The Speaker laid before the House a communication from Geo. F. Sallie, which was read, and on motion was laid on the table.

The Speaker also laid before the House the report of J. Whiting, Commissioner and Trustee ;

Which, on motion of Mr. Bethea, was referred to a joint select committee to consist of three members from each House. The following members were appointed as the committee on the part of the House, to-wit : Messrs. Bethea, Bourland, and Clark of Mobile.

Message from the Senate, by Mr. Garrett :

Mr. Speaker :

The Senate has originated and passed the following bill :

To authorize the court of county commissioners of Tuscaloosa county to levy a special tax :

And respectfully ask the concurrence of the House therein.

M. TAUL, Secretary.

Mr. Gibson, from the select committee to whom was referred the message of His Excellency the Governor, and accompanying documents, made the following report :

The undersigned select committee to whom were referred the message of His Excellency, the Governor, and accompanying documents, with instructions to report "its several suggestions for reference to the appropriate standing committees,"

respectfully beg leave to report : That we have very carefully examined and considered the very able and eminently practical message of His Excellency Governor Patton. We find that it is replete with wise and well-timed suggestions and recommendations ; all of which will doubtless receive due consideration by this House. To the end, therefore, that it may receive the consideration which its merits demand, we recommend :

That so much of the Governor's message as relates to the financial condition of the State, the modifications recommended in the revenue law, and the amendments of the imperfections therein ; and so much as relates to the United States land tax, and to "the Paris Universal Exposition," be referred to the Committee on Ways and Means.

That so much thereof as relates to the collection of debts, and regulation of judicial proceedings, to the protection of freedmen, to the probate court of Mobile county, together with the accompanying report of Judge Bond, be referred to the Committee on the Judiciary.

That so much thereof as relates to the banks of the State of Alabama, be referred to the Committee on Banks and Banking.

That so much of said message as relates to the United States tax on cotton, to the election of United States Senators, together with the copy of the law of the United States on that subject ; so much as relates to the proposed amendment of the Constitution of the United States, together with the copy of the joint resolutions on that subject, be referred to the Committee on Federal Relations.

That so much thereof as relates to common schools, to the University of Alabama, to the Insane Hospital, to the Institution for the Deaf and Dumb, and to the education of colored children, be referred to the Committee on Education.

That so much as relates to supplies for the destitute, be referred to the Committee on Destitution and Supply.

That so much of it as relates to the lands granted by Congress to the railroads of this State, be referred to the Committee on Internal Improvements.

And that so much thereof as relates to the Penitentiary, and also the accompanying reports of the inspectors and physicians thereof, be referred to the Committee on the Penitentiary and State Capitol. All of which is respectfully submitted.

A. M. GIBSON,	} Committee.
T. B. BETHEA.	
ALEX. MCKINSTRY,	

Upon the question of concurrence in the report of the committee, Mr. Goodwin called for a division of the question.

All the report, except so much as referred to the constitutional amendments to the Committee on Federal Relations, was concurred in.

Mr. Goodwin moved to refer the proposed constitutional amendment to a select committee, to be composed of one member from each judicial circuit.

On motion of Mr. Padgett,

Mr. Goodwin's motion was laid on the table.

The House then concurred in the entire report of the committee.

CALL OF THE COUNTIES.

Bills were introduced—

By Mr. Doster, a bill to increase the fees of officers, jurors and witnesses, in the counties of Autauga and Greene;

Which was read the first and second times, under the suspension of the constitutional rule; amended on motion of Mr. Hare, to add the county of Sumpter;

By Mr. Woolf, to add the county of Marengo;

By Mr. Worthy, to add the county of Pike;

By Mr. Cotten, to add the county of Dale;

By Mr. Thrasher, to add the county of Tallapoosa;

By Mr. Yonge, to add the county of Washington;

And by Mr. Raisler, to add the county of Limestone;

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Davis of Bibb, a bill to change the time of holding the fall term of the circuit court in the counties of Autauga and Bibb;

Mr. McKinstry, a bill to provide for the future proceedings in the probate court of Mobile county, and to ratify the proceedings of the Hon. Geo. W. Bond, acting as judge of said court;

Mr. Ashe, a bill to regulate the time of holding the circuit court in St. Clair County;

Mr. Yonge, a bill to amend an act to prohibit the sale of spirituous and vinous liquors within three miles of St. Andrew's Chapel, in Washington county;

Which bills were severally read the first, second and third times under the suspension of the constitutional rule, and passed.

Mr. Ellis, a bill for the relief of James B. Farmer, late Sheriff of Calhoun county;

Mr. Tompkins, a bill for the relief of Samuel C. Stramler, census taker of Mobile county ;

Mr. Leeper, a bill for the relief of Palmer A. Kindrick, jailor of Shelby county ;

Which bills were severally read the first and second times under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Meadors, a bill to prevent tenants from selling or removing crops from rented premises without the consent of the landlord thereof ;

Mr. Robinson, a bill to declare Eliza A Cone, wife of Robert R. Cone, of the county of Chambers, a free dealer ;

Mr. Smith, of Choctaw, a bill to declare Julia A. Cocke, wife of J. F. Cocke, of the county of Choctaw, a free dealer ;

Also a bill for the relief of defendants in judgments, rendered upon contracts made between 1st of September, 1861, and 1st of May, 1865 ;

Which bills were severally read the first and second times under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Morse, a bill for the relief of Amanda L. Spangenburg ;

Which bill was read the first and second times under the suspension of the constitutional rule, and referred to the Committee on Local Legislation.

COMMUNICATION FROM THE GOVERNOR.

Mr. Speaker :

I am directed by the Governor to communicate to the House of Representatives, a message in writing.

Very respectfully,

BEN. H. SCREWS, Private Secretary.

EXECUTIVE DEPARTMENT, }

STATE OF ALABAMA, }

Montgomery, November 14, 1866 }

Gentlemen of the Senate and House of Representatives :

By an act of the General Assembly, approved February 21, 1860, it was provided that a commissioner be appointed to revise the Code of Alabama. For the office of commissioner the Hon. Turner Reavis was appointed. The work of revision was commenced, but by an act, approved December 9th, 1861, it was ordered to be discontinued until the close of the war. In the month of May last, judge Reavis resigned the office of commissioner, and to fill the vacancy thus occasioned, I ap-

pointed the Hon. A. J. Walker, chief justice of the supreme court. Judge Walker entered immediately upon the work of revision, and has submitted it to the Governor, with his report as provided by the 7th section of the act of February 21, 1860. The 8th section of the same act makes it the duty of the Governor to examine the Revised Code, and submit it to the General Assembly, and together with the commissioner's report, and such suggestions as he may think proper in regard to its adoption or rejection. It is also made the duty of the Governor to recommend the amount of compensation that shall be paid the commissioner. I have given the Revised Code such an examination as I think the law contemplates. The manner in which the revision was to be made was minutely defined in the act, and I find that it has been executed in strict conformity therewith. In considering the amount of compensation that shall be allowed the commissioner, I have ascertained the amount paid to former codifiers. The amount paid for Aikens' Digest was \$3,300. For Clay's Digest, \$2,800, and for the Code of 1851, \$7,000. I think the revision now submitted involved as much research, analysis and labor as was required to prepare the Code of 1851.

The Revised Code will make a volume nearly if not quite double the size of the Code of 1851. From this you may form an intelligent idea of the labor required, especially when we consider that the revision embraced the legislation of fifteen years, which was more than that between the publication of Clay's Digest and the next succeeding revision.

The law made no provision for any assistant to the commissioner for the present work. But assistance was absolutely necessary, and Judge Walker obtained the services of John B. Taylor, Esq., whose abilities and acquirements are well known.

The commissioner, in his report, acknowledges his indebtedness to Mr. Taylor, for his efficient assistance. I can bear personal testimony to the arduous application and labor of both Judge Walker and Mr. Taylor, in the preparation of the work. I think the commissioner should be allowed at least \$4,000 for his services and a liberal allowance should be made to Mr. Taylor for his assistance.

An appropriation should also be made for clerical services, which were necessary in making transcripts. Should the commissioner be allowed the amount recommended, the assistants and clerks might be suitably compensated without exceeding the limits of the cost of the Code of 1851.

Upon examination of the manuscript, it will be seen that it is neatly and elegantly executed. I do not think that the law

designed that the Governor should make that minute and detailed examination of the Revised Code, which would be necessary to form an intelligent opinion as to the merits of all its parts. In this, I defer to the better judgment of the General Assembly.

There being but one copy of the Revised Code, I send it to the House of Representatives.

R. M. PATTON.

Mr. McKinstry offered the following resolution—

Which was adopted ;

Resolved, (the Senate concurring) by the Senate and House of Representatives, That a joint committee consisting of four from the Senate and six from the House, be appointed to examine the Revised Code and the changes in the law recommended, and report upon the same. House Committee, Messrs. McKinstry, Smith of Choctaw, Whitfield, Goodwin, Lawrence of Cherokee and Worthy.

Mr. Vansandt, introduced a bill—

To require parties to suits in any of the circuit courts of this State to pay costs before they can be allowed a continuance of their suits ;

Also, a bill—

For the relief of certain debtors in the State of Alabam.

Mr. Lawrence of Fayette, a bill—

To amend section two of an act entitled an act to establish revenue laws of the State of Alabama.

Mr. Pierce, a bill—

To regulate the sale of real estate in the State of Alabama, and for other purposes ;

Also, a bill—

Prescribing the manner in which executors, administrators and guardians shall execute their official bonds.

Mr. Raisler, a bill—

For the relief of executors, administrators and guardians.

Mr. Woolf, a bill—

To amend the attachment laws of the State of Alabama ;

Which bills were severally read the first and second time under the suspension of the constitutional rule and were referred to the Committee on the Judiciary.

The hour of 12 having arrived,

On motion by Mr. McKinstry—

The general orders were suspended to proceed with the call of the counties.

Mr. McKinstry introduced a bill—

To enable the Senate, House of Representatives or Governor, to obtain the opinion of the judges of the supreme court in certain cases.

Mr. Grant, a bill to repeal section 75 of the Penal Code ;

Mr. Tompkins, a bill to regulate the collection of freights in certain cases ;

Mr. Connelly, a bill for the relief of Rufus Forrester, of Randolph county ;

Mr. McCoy of Russell, a bill to allow persons to borrow money to carry on their farms, or any other business in which they may be engaged ;

Mr. McCoy, a bill to regulate proceedings in the county court ;

Mr. Leeper, a bill for the relief of Moses Johnson, tax-collector of the county of Shelby ;

Which bills were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Hare introduced a bill to amend the exemption laws of the State ;

Which bill was read the first and second times, under the suspension of the constitutional rule.

Mr. Grant offered the following amendment :

Be it further enacted, That should any resident of this State be found destitute of property to the amount of the exemption provided for in this bill, a tax shall be levied on the property of the citizens of the county in which such destitute person may reside, to an amount sufficient to supply the person or persons so destitute with the amount of property exempted by this bill, provided that no tax shall be levied on any person who does not hold in his own right a greater amount of property than is herein exempted.

The yeas and nays being called; the amendment was lost.

Yeas 11; nays 61.

YEAS—Messrs. Borden, Bush, Clark of Lawrence, Doster, Ellis, Grant, Malloy, McBee, McCoy of Russell, Oliver, and Warren of DeKalb—11.

NAYS—Messrs. Speaker, Ash, Ashford, Bethea, Bourland, Brooks, Caffey, Connelly, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Edwards, Faulk, Frazer, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McCann, McCoy of Tallapoosa, McKinstry, Odum, Owens, Palmer, Padgett, Pierce, Plowman, Potter, Raisler, Richardson,

Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Vansandt, Walker, Waller, Williams of Jackson, Williams of Randolph, Woolf, Worthy and Younge—61.

Mr. Hare, a bill to regulate appeals in civil cases, and the granting of writs of injunction ;

Also, a bill to regulate the liens of judgments and executions, and the sale of personal property on final process ;

Also, a bill to amend the laws in relation to the redemption of real estate ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Also, a bill to abolish tax fees in civil cases ;

Which was read the first and second times, under the suspension of the constitutional rule.

Mr. Goodwin moved to lay the bill on the table. Lost.

The bill was then referred to the Judiciary Committee.

Also, a bill to repeal section 2302 of the Code of Alabama ;

Also, a bill in relation to the competency of witnesses ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Lawrence of Fayette, a bill to legalize the marriage of Alfred Debera and Nancy E. Murray, of Fayette county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. McKinstry, a bill to authorize the mayor of the city of Mobile to take cognizance and try cases of misdemeanor, and discharge the duties of justice of the peace ;

Also, a bill to authorize compensation of owners of property, in the city of Mobile, where new streets are made, or any alterations, repair, improvements, or amendment of any street is made ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Frazer, a bill to create a new county out of portions of Chambers, Tallapoosa, Macon and Russell, to be called the county of Lee ;

Mr. Worthy, a bill to establish a new county to be called the county of Crenshaw ;

Mr. Williams of Randolph, a bill to form a new county to

be called the county of Clay, from portions of Talladega and Randolph counties ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Goodwin offered the following resolution, which was adopted :

Resolved, That the Committee on Ways and Means be requested to inquire into the expediency of abolishing the office of tax assessor, and report by bill or otherwise.

Mr. Smith of Choctaw offered the following resolution, which was adopted :

Resolved, That the Judiciary Committee be allowed to appoint a clerk, who shall be paid for his services such sum as this House may think proper to allow.

Mr. Mabry offered the following resolution :

Resolved, That the Secretary of State be, and he is hereby instructed to report to this House, as early as practicable, the time when, the manner, and to what extent, the laws and journals of the preceding session of the General Assembly have been distributed ;

Adopted.

On motion of Mr. Manasco,

House adjourned till 10 o'clock to-morrow.

THURSDAY, November 15th.

House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Journal of yesterday read and approved.

Mr. Grant, by leave, arose to personal explanation, in relation to his amendment to Mr. Hare's bill of yesterday.

The Speaker announced the following standing committees :

STANDING COMMITTEES.

Judiciary—Messrs. McKinstry, Whitfield, Ellis, Smith of Choctaw, Waller, Cox, Doster, Goodwin, Meadors, Richardson and Pierce.

Local Legislation—Messrs. Gibson, Morse, Tompkins, McMillan, Worthy, McCoy of Russell, Lanier, Richardson, Coxe, Craig and Ledbetter.

County Boundaries—Messrs. Smith of Jackson, of the 5th district ; Sturdivant of the 1st district ; McCain of the 2d dis-

trict; Leeper of the 3d district; Thorn of the 4th district; Grant of the 6th district; Henry of the 7th district; Moore of the 8th district; Thrasher of the 9th district; McBee of the 10th district; and Hawthorn of the 11th district.

Corporations—Messrs. Tompkins, Pierce, Lanier, Clark of Lawrence, McAlexander, Morse, Borden, Humphrey, Ashford, Bush and McLester.

Internal Improvement—Messrs. Leeper, Mabry, Ellis, McLester, Caffey, Owens, Grant, Gibson, Lawrence of Cherokee, Freeman, McCoy of Tallapoosa, and Vansandt.

Penitentiary and State Capitol—Messrs. Freeman, Pipkin, Crenshaw, Davis of Bibb, McCoy of Russell, Brandon, Robinson of Chambers, McCain, Caffey, Stringer and Culver.

Ways and Means—Messrs. Whitfield, Bethea, Moore, Brooks, Waller, Lawrence of Cherokee, Robinson of Chambers, Bourland, Hawthorn, Woolf and Echols.

Federal Relations—Messrs. Morse, Tompkins, Woolf, Hawthorn, Warren, Williams of Jackson, McCain, Goldthwaite, Henry, Ashford and Seawell.

Destitution and Supplies—Messrs. Sheffield, Davis of Bibb, Wilhite, Bankhead, Brooks, Grant, Hare, Davis of Barbour, Frazer, Hardie and Chapman.

Banks and Banking—Messrs. Mabry, Bethea, Whitfield, Clark of Mobile, Humphrey, Echols, Dobson, McAlexander, Manasco, Malloy, Gafford and Owens.

Military Affairs—Messrs. Sheffield, Hardie, Manasco, Palmer, Thrasher, Brandon, Malone, Seawell, Raisler, Smith of Jackson.

Propositions and Grievances—Messrs. Ellis, Bankhead, Goodwin, Brooks, Sturdivant, Frazer, Padgett, Calaway, Robinson of Baldwin, Hand and Bush.

Education—Messrs. Doster, Freeman, Moore, Borden, Potter, McCoy of Tallapoosa, Walker, Young, Connelly, Lawrence of Fayette and Odum.

Public Printing—Messrs. Williams of Jackson, Callaway, Clark of Lawrence, Edwards, Goldthwaite, Frazer, Raisler, Warren, Hair, Vansandt and Dobson.

Public Roads and Hihhways—Messrs. Thrasher, Steadman, Williams of Randolph, Plowman, Lindsey, Young, Ledbetter, Faulk, Malone, Cotten, Thorn and Craig.

Enrolled Bills—Messrs. Potter, Savage, Borden, Freeman, Connelly, Owens, Stringer, Worthy, Brandon, Robinson of Baldwin, McBee and Craig.

By leave, Mr. Vansandt presented a communication in relation to the Geological productions of the State;

Which was referred to the Committee on Internal Improvements.

CALL OF THE COUNTIES.

Bills were introduced by—

Mr. Doster, a bill to organize and regulate the terms and times of holding the courts of chancery in the middle chancery division ;

Mr. Pipkin, a bill to allow the officers of Barbour county to charge and receive fifty per cent. on the fees now allowed by law in the Code of Alabama ;

Mr. Meadors, a bill to amend section 713 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail on writs of *habeas corpus* ;

Also, a bill to amend section 689 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail in all bailable cases ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Also, a bill to amend section 384 of the Penal Code of Alabama, so as to enlarge the criminal jurisdiction of justices of the peace ;

Which was read the first and second times, under the suspension of the constitutional rule.

Mr. Pierce moved to amend by adding to said section, at the end thereof, the words “and also of actions of trespass where the injury or damages done does not exceed fifty dollars” ;

Adopted ;

And the bill was referred to the Committee on the Judiciary.

Mr. Smith, of Choctaw, a bill to repeal an act the more effectually to prevent the offences of grand larceny, arson and burglary, approved December 15, 1865 ;

Also, a bill to repeal an act to authorize justices of the peace to take cognizance of, and try cases of misdemeanor, approved January 20, 1866 ;

Mr. Vansandt, a bill to amend an act to authorize the courts of county commissioners of the counties of Coosa, Macon and Lowndes, to issue county bonds for the building of public bridges in said counties, approved January 26, 1865 ;

Also, a bill to require parties applying for a change of venue of civil cases to pay cost before the change shall be granted ;

Also, a bill to prevent petit larceny, assaults, assaults and

battery, affrays, unlawful assemblies, vagrancy and misdemeanors, from being given in charge by the circuit judges to the grand jury ;

Mr. Cotten, a bill to define the power of justices of the peace in the county of Dale ;

Mr. Pierce, a bill to amend section 405 of the Penal Code of Alabama ;

Mr. Culver, a bill to declare Lavinia E. Hudspeth, wife of Richard T. Hudspeth, a free dealer ;

Mr. Oliver, a bill to repeal an act taxing pistols or revolvers ;

Ms. Richardson, a bill to grant authority to the probate court to distribute real estate by sale or division, where such property has been received under the law authorizing executors and administrators to compromise bad and doubtful claims ;

Also, a bill to regulate the statute of limitations in certain cases ;

Also, a bill to allow parties interested in settlements before probate court to require the judge of probate to have the testimony in such settlement taken down in writing ;

Mr. Echols, a bill to declare Elizabeth Farmer of the county of Macon a free dealer ;

Mr. Tompkins, a bill for the relief of the minor heirs of W. A. Williams, deceased, late of Mobile ;

Mr. Freeman, a bill to repeal an act to incorporate the Tuscaloosa Scientific and Art Association, and to instruct the Attorney General to prosecute all persons engaged in the establishment of a lottery in this State ;

Mr. McCoy of Russell, a bill to regulate judicial proceedings in this State ;

Mr. Hare, a bill for the relief of executors, administrators and guardians ;

Also, a bill to amend the laws in relation to attachments and garnishments ;

Also, a bill to amend the laws in relation to new trials, rehearings and correction of errors, after final judgments at law ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Palmer, a bill to repeal the tax on pistols and bowie knives ;

Mr. McBee, a bill to repeal in part and amend section 11 of chapter 1 of the revenue law, reducing the tax on distillation of spirits ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Robinson of Chambers, a bill to explain and construe the 11th division of section 4 of chapter 1 of an act to establish revenue laws of the State of Alabama ;

Which was read the first and second times, under the suspension of the constitutional rule.

Mr. Worthy moved to amend so as to read after the word "tin," "and shoes manufactured in this State ;

Which was adopted, and the bill referred to the Committee on Ways and Means.

Mr. Pipkin, a bill to authorize the voters in Beat No. 9, in Barbour county, to elect an additional constable ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. McBee, a bill to form a new county to be called the county of Cleburne, from portions of Calhoun and Randolph counties ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Bethea was excused, by leave of the House, from serving on the Committee on Destitution and Supplies.

Mr. Goodwin, a bill for the relief of Lemuel Nelson, sheriff of Franklin county ;

Mr. Bourland, a bill to compensate Thomas T. McCorkle, late tax assessor of Lauderdale county ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims ;

Mr. Cox, a bill for the relief of John S. Peake and William E. Peake, of Lowndes county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Woolf, a bill to increase and regulate the fees of justices of the peace and constables in Marengo county, and to repeal an act therein named ;

Which was read the first and second times, under the suspension of the constitutional rule, and amended :

On motion of Mr. Pierce, by adding the county of Greene ;

By Mr. Cotten, by adding the county of Dale ;

" Williams, " " " Randolph ;

" Goodwin, " " " Franklin ;

By Mr. Raisler, by adding the county of Limestone ;
 “ Lawrence of Fayette “ Fayette ;
 “ Younge, “ “ Washington ;

And referred to the Committee on Judiciary.

Mr. Clark of Mobile, a bill to incorporate the State Insurance company of Mobile ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations ;

Also, a bill to enable the chancery court to decree directly to Julia Desha the estate coming to her under the will of her father, Robert Desha, deceased ;

Mr. Freeman, a bill to amend an act entitled an act to exempt from levy and sale certain property for the use of every family in the counties of Jackson, Madison, Marshall, Lawrence, Limestone, Franklin and DeKalb ;

Mr. Younge, a bill to protect the owners of stock in the county of Washington ;

Which were severally read the first, second and third times, under the suspension of the constitutional rule, and passed.

The hour of 12 having arrived, on motion by Mr. Hawthorne, the general orders were suspended to proceed with the call of counties.

Mr. Caffey, a bill to create a new county out of portions of Montgomery, Lowndes and Pike counties, to be called the county of Lomax ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Freeman, a bill for the relief of W. D. Harper, late sheriff of Morgan county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Hawthorne, a bill to make Emily McNeill, of Wilcox county, a free dealer ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Wilhite, a bill allowing additional compensation to jurors in the county of Winston ;

Which was read the first and second times, under the suspension of the constitutional rule, and passed.

GENERAL ORDERS.

Engrossed bill to increase the fees of officers, jurors and witnesses, in the counties of Autauga, Greene, and other counties therein named.

Mr. Doster, according to previous notice, moved to reconsider the vote by which the bill was ordered to be engrossed for a third reading on to-morrow;

Adopted.

On motion by Mr. Gafford, the bill was amended by adding the county of Butler.

By Mr. Craig, by adding the county of Dallas.

Mr. Doster moved to amend by striking out the second section ;

Carried.

Mr. McMillan moved to amend by adding the county of Monroe ;

Adopted ;

And the bill was read the third time, under the suspension of the constitutional rule, and passed.

On motion of Mr. Worthy, the title of the bill was so amended as to mention the names of all the counties included in the bill.

Engrossed bill to authorize the mayor of the city of Mobile to take cognizance of, and try cases of misdemeanor, and discharge the duties of justice of the peace ;

Engrossed bill, to authorize compensation to owners of property in the city of Mobile, where new streets are made, or any alteration, improvements or amendments of any street is made.

On motion by Mr. Tompkins, the reading of the bill was suspended until to-morrow.

Engrossed bill, for the relief of Pierce L. Lewis, Cantly W. Pitts and William H. Harris, of Russell county ;

Which was read the third time, under the suspension of the constitutional rule, and passed.

On motion by Mr. Bankhead, the general orders were suspended, to allow him to introduce the following bill :

To amend section 7 and to repeal sections 2, 3, 4 and 5, of an act entitled an act to regulate judicial proceedings, approved February 2, 1866 ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill—

To authorize the court of county commissioners of Tuscaloosa county to levy a special tax ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

The following resolution was offered by Mr. Tompkins :

Resolved, That the Penal Code, (with the various amendments proposed thereto,) be referred to the Judiciary Committee for revision, with instructions to report such amendments to the same as in the judgment of said committee may be deemed expedient;

Adopted.

On motion by Mr. Worthy,

Resolved, That the committee appointed by this House on the Revised Code of laws be, and they are hereby authorized to employ a clerk, whose compensation shall be fixed by the House.

Mr. Goodwin offered the following resolution, which lies over one day under the rules :

Resolved, That all motions for suspending the constitutional rule, requiring bills to be read three several times on three several-days shall be taken by ayes and noes.

Mr. Sheffield offered the following resolution :

Resolved, That a committee of one member from each judicial circuit be appointed to make an appointment of Senators and Representatives in this State according to the census of 1866, and for re-districting the State into Congressional districts.

Mr. McCoy of Russell, moved to amend by striking out "judicial circuit" and insert "Congressional district."

Lost.

Resolution was then adopted, and the following committee appointed :

Messrs. Sheffield, of the 5th district ; Doster, of the 1st district ; Cox, of the 2d district ; Whitfield, of the 3d district ; Richardson, of the 4th district ; Clarke of Mobile, of the 6th district ; Morse, of the 7th district ; Moore, of the 8th district ; Meadors, of the 9th district ; McCann, of the 10th district ; and Chapman, of the 11th district.

Mr. Manasco, offered the following resolution :

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of reporting a bill providing for the licensing of suitable persons to retail spirituous liquors, and that the license shall not be less than — dollars, nor more than — dollars, and that the commissioners of roads and revenue of each county determine the num-

ber of licenses to be granted, and the amount to be paid for the same, and that they report by bill or otherwise ;

Lost.

On motion by Mr. Echols,

In view of the great necessity of some general relief by this Legislature to the people of Alabama,

Be it Resolved, That a committee of three from this House, to act with a like committee of the Senate, to take in consideration the best mode and manner of regulating judicial proceedings in this State, and report by bill or otherwise, as soon as practicable.

The following committee from the House was appointed : Messrs. Echols, Smith of Chotaw and Worthy.

Mr. Richardson offered the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of allowing the county court, established under the Penal Code, to be provided with a grand jury, under such regulations as now apply to circuit courts. Lost.

On motion by Mr. Bethea,

The House adjourned until 10 o'clock to-morrow.

FRIDAY, November 16.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday read and approved.

Mr. Wilhite moved to reconsider the vote by which certain counties were allowed to exempt certain property from levy and sale.

Motion carried, and the final vote postponed to a future day.

CALL OF THE COUNTIES.

Mr. Doster, a bill to repeal an act entitled an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, so far as it relates to the county of Autauga ;

Also, a bill to repeal section . 1 of an act entitled an act to amend an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, and for other purposes, so far as it applies to the county of Autauga ;

Which were severally read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Meadors, a bill to amend section 787 of the Penal Code

of Alabama, so as to provide fees for circuit clerks in criminal cases in which the defendants are insolvent ;

Mr. Smith of Choctaw, a bill to fix the mode of advertising partial and final settlements in the probate courts of this State ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Also, a bill—

To give the probate court of the county of Washington jurisdiction of the settlement of the estate of Thomas Buford ;

Which was read the first, second and third times under the suspension of the constitutional rule and passed.

Mr. Morse, a bill ;

To appropriate fines collected from road defaulters to the use of roads and bridges in the county of Choctaw ;

Which was read the first and second times under the suspension of the constitutional rule, and,

On motion by Mr. Manasco ;

The bill was amended by adding the county of Walker ;

By Mr. Young, by adding the county of Washington,

By Mr. Wilhite, by adding the county of Winston,

By Mr. Malloy, (of Fayette) by adding the county of Fayette.

By Mr. Vansandt, by adding the county of Coosa ;

The bill was then read the third time under the suspension of the constitutional rule ;

Mr. Bankhead amended by adding the county of Marion, by way of engrossed ryder, and the bill passed.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill—

For the relief of the Memphis and Charleston Railroad.

M. TAUL, Secretary.

Mr. Vansandt, a bill ;

To declare Lucy Freeman, wife of Andrew Freeman, of the county of Talladega, a free dealer.

Also, a bill—

To amend section 1 of an act to regulate judicial proceedings, approved February 20, 1866 ;

Which were severally read the first and second times under the suspension of the constitutional rule and referred to the Committee on the Judiciary ;

Also, a bill --

To determine who shall work on the public roads in this State ;

Which were read the first and second times under the suspension of the constitutional rule and ordered to be engrossed for a third reading on to-morrow.

Mr. Mabry, a bill—

To authorize the construction of street railroads in the city of Selma.

Mr. Cox, a bill—

To change the time of holding the chancery courts for the 12th and 9th districts of the southern division.

Mr. Woolf, a bill—

To add a section to the charter of the city of Demopolis ;

Which were severally read the first, second and third times under the suspension of the constitutional rule and passed.

Mr. Chapman presented a memorial from certain citizens of Butler, Lowndes, Montgomery, Pike, Coffee and Covington counties ;

Which was referred to the Committee on County Boundaries.

Mr. Mabry, a bill—

To amend the 5th clause of the 2d section of an act to establish revenue laws for the State.

Also, a bill to remit the penalty incurred under section 104 of the tax law ;

Mr. Malloy of Fayette, a bill to amend articles one and two of section two, of an act entitled an act to establish revenue laws of the State of Alabama.

Mr. Bankhead, a bill to authorize John L. Anthony, of Marion county, to retail liquors without license ;

Which were severally read the first and second times under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Malloy of Fayette, a bill to repeal an act entitled an act to regulate judicial proceedings.

Mr. Raisler, a bill to amend section 2144, of the Code of Alabama.

Mr. Echols, a bill to declare Emma Harrison, wife of Wm. S. Harrison of Macon, a free dealer.

Mr. Woolf, a bill to add a section to be denominated section three, to an act entitled "An act to give a lien on the crop and stock for advances, to assist in making the crop."

Also, a bill to provide for the payment of attorneys' fees in certain cases.

Mr. McKinstry, a bill to regulate judicial proceedings.

Mr. McMillan, a bill to define the powers of justices of the peace.

Mr. Caffey, a bill to change the name of Louisa J. Gill, of the county of Montgomery.

Mr. Goldthwaite, a bill to require the judges of the courts of probate of this State, to keep an account of the fees accruing to sheriffs ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. Cox, a bill to incorporate the New Orleans, Mobile and Chattanooga Railroad Company ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the committee on Internal Improvements.

Mr. Bankhead, a bill to increase the fees of civil officers in Marion county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the committee on Local Legislation.

Mr. McKinstry, a bill to deal justly with the Bank of Mobile ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. Clark of Mobile, a bill to incorporate the Insurance Company of South Alabama ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Humphrey, a bill for the relief of Wm. R. Day, late tax collector of Madison county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The hour of 12 o'clock having arrived, on motion of Mr. Gibson, the orders of the day were suspended to continue the call of the Counties.

Mr. Ledbetter, a bill for the relief of Levi Hinds, late tax assessor of Madison county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Richardson, a joint resolution in reference to the "so-called Alabama State Lottery"

Mr. Manasco moved to postpone the resolution until first Monday in December next, and make it a special order for 12 o'clock, m.

Carried. Yeas 46 ; nays 42.

YEAS—Messrs. Speaker, Ash, Ashford, Bourland, Brooks, Bush, Caffey, Chapman, Cox, Culver, Davis of Barbour, Echols, Ellis, Faulk, Frazer, Gafford, Hand, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Malone, Malloy, Manasco, McBee, McKinstry, McLester, Meadors, Oliver, Padgett, Plowman, Potter, Seawell, Smith of Choctaw, Smith of Jackson, Thrasher, Vansandt, Walker, Waller, Warren of DeKalb, Williams of Jackson, Willhite and Woolf—46.

NAYS—Messrs. Bankhead, Bethea, Borden, Clark of Lawrence, Connelly, Craig, Crenshaw, Dobson, Doster, Edwards, Gibson, Goldthwaite, Goodwin, Grant, Hardie, Hare, Humphrey, Leeper, Lindsey, McAlexander, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McMillan, Moore, Morse, Odum, Owens, Palmer, Pierce, Raisler, Richardson, Robinson of Chambers, Sheffield, Steadham, Stringer, Thorn, Whitfield, Williams of Randolph, Worthy and Younge—42.

Mr. Worthy offered a joint resolution proposing a retrenchment in the expenditures for the State government ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. McCann, a joint resolution proposing an amendment to the constitution of the State ;

Which was read the first time, and ordered to a second reading on to-morrow.

Mr. Thrasher, a bill to amend an act entitled an act to establish revenue laws of the State of Alabama, approved Feb. 22, 1866 ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Lindsey, a bill to secure land titles, in certain circumstances ;

Mr. Whitfield, a bill to amend the law of partnerships ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Also, a bill to regulate the fees of the judge of probate of Pickens county ;

Which was read the first and second times, under the sug-

pension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Mabry, a bill to incorporate the Merchants Insurance company of Selma;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

The following resolution, by Mr. Goodwin, was taken up and read a second time:

Resolved, That all motions for suspending the constitutional rule, requiring bills to be read three several times on three several days, shall be taken by yeas and nays. Lost.

REPORT OF SELECT COMMITTEES.

Mr. Worthy, from a select committee, made the following report:

The committee to whom was referred a bill for the relief of Montgomery P. Kennon and Carlos Reese, jr., ask leave to report—

That they have carefully examined the said bill, together with the facts and circumstances which lead to said duel, and finding extenuating circumstances, so far as the conduct of these two gentlemen are concerned, greatly mitigating the offense, do therefore hereby recommend the passage of said bill by the House.

Permit your committee, however, to add further, that they condemn in the strongest manner, the practice of duelling, as a general thing, and except in cases like this, they would oppose the passage of a bill for the relief of parties guilty of the practice.

A. N. WORTHY,
J. C. MEADORS,
JOHN POTTER,
JOSEPH J. SEAWELL,
Committee.

The House concurred in the report.

The bill was read a third time, and passed.

Mr. Pierce, from a select committee, made the following report:

The undersigned special committee, to whom was referred a bill to repeal an act establishing the Canebrake Agricultural District, so far as the county of Dallas is concerned, beg leave to report—

That they have had the same under consideration, as well

as the act proposed in part to repeal, and report the same back to the House, and recommend its passage.

JNO. G. PIERCE,
WM. CRAIG,
J. J. SEAWELL,
Committee.

The House concurred in the report, and the bill passed.

Mr. Morse, chairman of a select committee, made the following report :

The Select Committee, to whom was referred the bill to repeal section 1556 of the Code, beg leave to report that they have had the same under consideration, and that from the investigation they have been able to give the subject, are satisfied that it is a measure of relief of great importance to the people, and therefore respectfully recommend its passage. Pending the consideration of said report,

On motion of Mr. Davis, of Bibb,

The House adjourned until 10 o'clock a. m. of to-morrow.

SATURDAY, November 17.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Journal of yesterday read and approved.

On motion of Mr. Sheffield, the call of counties was suspended to take up the Senate bill,

For the relief of the Memphis and Charleston Railroad ;

Which was read the first, second and third time under the suspension of the constitutional rule and passed.

On motion of Mr. Worthy, the vote by which the joint resolutions proposing a retrenchment in the expenditures for the State Government, was referred to the Committee on Ways and Means was reconsidered, and referred to a select committee. Messrs. Worthy, Ash and Whitfield, House Committee.

Mr. Hawthorne moved to reconsider the vote by which Mr. Richardson's resolution was postponed till 1st Monday in December ;

Lost.

CALL OF THE COUNTIES.

Mr. Doster, a bill—

To confer additional powers upon special constables.

Mr. Gibson, a bill—

To define and extend the operation of an act entitled an act for the relief of executors, administrators, guardians and trustees approved February 23, 1866, and fix the liabilities ;

Which were severally read the first and second times under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Message from His Excellency, the Governor, by Mr Dixon..

Mr. Speaker :

I am directed by the Governor to communicate to the House of Representatives a message in writing :

EXECUTIVE DEPARTMENT, }
STATE OF ALABAMA, }
Montgomery, Nov. 17, 1866. }

To the House of Representatives:

I herewith transmit the suggestions of changes of the laws made by the commissioner to revise the Code of Alabama. These suggestions form a part of the commissioner's report, but their preparation has not been completed until the present time.

R. M. PATTON, Governor.

Which, on motion of Mr. McKinstry, was referred to the committee on the Revised Code.

Mr. Crenshaw, a bill to declare Martha Boggan, wife of Joseph Boggan, of Butler county, a free dealer ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. Meadors, a bill to regulate the fees of jurors and witnesses of the county of Chambers ;

Which was read the first, second, and third times, under the suspension of the constitutional rule, and passed.

Mr. McKinstry tendered the resignation of Col. Wm. H. Fowler, clerk of the House ;

Accepted.

On motion of Mr. Morse, the call of the counties was suspended to enable him to offer the following resolution :

Resolved, That whereas, W. H. Fowler, Esq., late Clerk of this House, has resigned his office ; therefore the office of the principal clerk of the House is vacant, and that the House proceed to the election of a clerk at the hour of 12 o'clock, Monday, November 19, 1866 ;

Adopted.

On motion of Mr. Morse, a further suspension of the call of counties was allowed, to enable him to offer the following resolution :

Resolved, That the Speaker of the House appoint a select committee of five, whose duty it shall be to inquire into and investigate the charters of all the railroads in this State ; to inquire into and investigate whether they have complied with the provisions of said charters, and whether the contracts that have been made between the State and said railroads, have been violated by either party, and to what extent and in what particular, and report such recommendations, by bill, or otherwise, as they may deem best ;

Which was adopted,

And the following committee appointed : Messrs. Morse, Echols, Oliver, Richardson, and McCoy of Russell.

Mr. Edwards presented a petition of sundry citizens of Coosa county, in favor of granting W. H. Baggett authority to retail without license ;

Which was referred to the committee on Ways and Means.

Mr. Vansandt, a bill to declare Diana M. Messer, wife of John W. Messer, of the county of Coosa, a free dealer.

Also, a bill to define the powers of justices of the peace in the State of Alabama ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the committee on the Judiciary.

Mr. Goodwin, a bill to amend section 7 of an act, entitled "An act to provide for taking the census of the State of Alabama, for the year 1866 ;"

Which was read the first and second times, under the suspension of the constitutional rule, and ordered to be engrossed for a third reading on Monday.

Mr. Lawrence of Fayette, a bill to declare Martha McReynolds, wife of William H. McReynolds, of Fayette county, a free dealer ;

Mr. Thorn, a bill to authorize Mary Hughes, of Franklin county, to make title to a certain tract of land in Franklin county ;

Mr. Pierce, a bill to regulate costs in cases where the judgment is reduced to a sum below the jurisdiction of the court, by reason of any of the causes mentioned in section 3, ordinance 26, of the State Convention ;

Also, a bill to amend section 1739 of the Code of Alabama, so as to effect a division of property under said section ;

Which were severally read the first and second times, under

the suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed a bill—

To extend the time of making the census returns.

The Senate concurs in the resolution of the House to appoint a joint committee to examine and report upon the Revised Code, as prepared by Chief Justice Walker. Messrs. Barnes, Forney, Lindsay and Stansel, are the Committee on the part of the Senate.

The Senate also concurs in the resolution of the House to appoint a joint committee to examine and audit the account of John Whiting, Commissioner and Trustee.

Messrs. Felder, Garrett and Cooper are the Senate Committee.

M. TAUL, Secretary.

Mr. Bourland, a bill to amend section 2462. of the Code of Alabama ;

Mr. Sheffield, a bill for the relief of Bird Ashburn and Tabitha Simms, of Marshall county ;

Mr. Bankhead, a bill to regulate the probate court of Franklin county ;

Mr. Clark of Mobile, a bill to amend section thirty-seven of an act to incorporate the city of Mobile ;

Mr. McKinstry, a bill to provide for obtaining possession of lands sold under execution, decree or deed ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Frazer, a bill for the relief of Isaac Ross, of Macon county ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Sheffield, a bill to consolidate the office of Adjutant and Inspector General and Quarter Master General ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Military Affairs ;

Mr. Woolf, a bill to provide for the payment of jail fees and to provide a fund therefor ;

Mr. Thrasher, a bill to amend an act entitled an act to es-

tablish revenue laws of the State of Alabama, approved February 22, 1866 ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Freeman, a bill to authorize the judge of probate of Morgan county, to order the private or public sale of certain lands therein named ;

Mr. Wilhite, a bill to prohibit camp-hunting in the county of Winston ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Freeman, a bill for the relief of John Hart, sheriff of Morgan county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Leeper, a bill for the relief of widows and orphans in certain cases.

Mr. Lindsay, a bill to allow attachments taken out when a man leaves his county ;

Mr. Clark of Lawrence, a bill to increase the powers of commissioners court in certain cases ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Lindsey, a bill to relieve persons over forty-five years old from working on public roads ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Roads and Highways ;

Also, a bill to make an appropriation for the school teachers for the year 1865 ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Education.

Mr. McCoy of Russell, a bill to incorporate the Opelika Cemetery ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Leeper, a joint resolution to amend the constitution ;

Which was read the first time, and ordered to lie over till Monday for a second reading.

GENERAL ORDERS.

Engrossed, a bill to authorize compensation to owners of property in the city of Mobile, where new streets are made, or any alteration, repair, improvements or amendment of any street is made ;

Which was read the third time and passed.

Engrossed bill to increase the fees of public officers of Mobile county ;

Which was read the third time and passed.

Engrossed bill to determine who shall work on the public roads in this State ;

Which was read the third time and lost. Yeas 11 ; nays 74.

YEAS—Messrs. Crenshaw, Davis of Bibb, Edwards, Gafford, Lanier, McCoy of Tallapoosa, Morse, Smith of Choctaw, Vansandt, Williams of Jackson, and Williams of Randolph—11.

NAYS—Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Culver, Davis of Barbour, Dobson, Doster, Echols, Ellis, Faulk, Freeman, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McKinstry, McLester, McMillan, Meadors, Moore, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Tompkins, Walker, Waller, Warren of Lawrence, Whitfield, Wilhite, Worthy and Younge—74.

Engrossed bills—

To grant the right of way to the Stone Street Railroad in Mobile county ;

Which was read the third time, and passed.

To amend an act entitled an act to regulate judicial proceedings, approved February 20, 1866 ;

Which was read the third time, and passed.

On motion of Mr. Pierce,

Leave of absence was granted Mr. McCoy of Russell.

On motion of Mr. Echols,

Leave of absence was granted Mr. Judkins.

The report of the select committee on the bill to repeal section 1556 of the Code of Alabama ;

Pending the consideration of the report—

On motion of Mr. Bethea,

The House adjourned till Monday, 10 o'clock, A. M.

MONDAY, November 19th.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

Journal of the 17th instant read and approved.

Mr. Speaker laid before the House the annual report of M. H. Cruikshank, Commissioner, &c., which was referred to the Committee on Destitution and Supplies.

Upon the call of the counties, the following bills were introduced :

Mr. Morse, a bill to regulate the practice in criminal cases ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

The Speaker laid before the House the resignation of Mr. T. Clanton, Assistant Clerk ;

Which was accepted,

Mr. Morse, a bill to regulate the sale of land by executors and administrators, to pay debts ;

Also, a bill to regulate the proving of claims against insolvent estates ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Vansandt, a bill to amend an act to establish revenue laws of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Mabry, a bill in relation to fences, and for the protection of crops ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

—Mr. Craig, a bill to increase the rates of the toll of the Cahaba bridge ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Goodwin, a bill to increase the fees of jailors in the State of Alabama ;

Which was read the first and second times, under the suspension of the constitutional rule ;

Mr. Grant moved to amend, by striking out “sixty” in the second section ;

Which was adopted,

And the bill referred to the Judiciary committee.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has originated and passed the following bills :

To create a new county of portions of Macon, Montgomery, Pike, and Barbour counties, to be called the county of Bullock.

For the relief of Elly Smith and Susan Butler of Clarke county ;

To make Sarah Elizabeth Marshall a free dealer ;

Making appropriations for the pay of the members and officers of the present General Assembly ;

To repeal sections 104, 105, and 106, of an act to establish revenue laws of the State of Alabama, and to remit the penalties incurred therein, and respectfully ask the concurrence of the House therein.

It has passed the following House bills :

For the relief of Pierce L. Lewis, Cauty W. Pitts, and William H. Harris, of Russell county ;

To amend an act entitled an act to prohibit the sale of spirituous and vinous liquors within three miles of St. Andrews Chappel in Washington county ;

To fix the time of holding the commissioners court of Marengo county ;

To amend the charter of the city of Huntsville ;

To amend the revenue laws, as to the county of Autauga, and other counties therein named ;

To remove the administration of the estate of John Kelly from Wilcox to Marengo county.

M. TAUL, Secretary.

Mr. Pierce, a bill to repeal section 3931 of the Code of Alabama, and to provide a substitute therefor, regulating the fees of jailors in conveying convicts to the Penitentiary ;

Mr. Raisler, a bill to compensate sheriffs in certain cases of attachments ;

Mr. Judkins, a bill to prevent hunting on another's land without consent ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Woolf, a bill to repeal an act to prevent the sale of spirituous liquors at or within five miles of Mt. Zion church, Farmsdale Depot, and Pickens' Old Mill, in Marengo county ;

Which was read the first, second and third times, under a suspension of the constitutional rule.

On motion of Mr. Woolf, the vote by which it was put upon its third reading, was reconsidered, and the bill was made the special order of the day for Wednesday next, at 12 o'clock M.

Also, a bill to authorize the court of county commissioners of Marengo county, to borrow twenty-five thousand dollars;

Mr. Steadham, a bill to increase the pay of grand and petit jurors of the county of Marion;

Which were severally read the first and second times, under a suspension of the constitutional rule, and passed.

Mr. Bankhead, a bill to incorporate the Budahatchie Water Power and Manufacturing Company;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Clark of Mobile, offered the following joint resolution, which was adopted:

WHEREAS, Section 32, of the 4th article of the constitution of Alabama, requires that the General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement in relation to the roads and navigable waters in this State, and for making a systematic and economical application of the means appropriate to those objects; therefore,

Resolved, (the Senate concurring,) That a committee of five, on the part of the House, be appointed by the chair to act with a like committee on the part of the Senate, to whom the requirements of the section aforesaid shall be referred for such action as may be necessary to carry its purposes into practical effect.

Messrs. Clark of Mobile, Ellis, Whitfield, Lanier and Owens, committee on the part of the House.

Mr. Freeman, a bill for the relief of W. B. Sams;

Mr. Caffey, a bill to relieve Harris & Hoyt, of Montgomery county;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

On motion of Mr. Plowman, the call of counties was suspended to enable him to offer the following resolution:

Resolved, That the Committee on Ways and Means be, and are hereby instructed to enquire into the expediency of preparing and reporting a bill, levying a tax of 25 per cent. upon all moneys collected by levy and sale under execution, writ of *venditioni exponas*, deeds of trust, or of mortgage, in this State; which sum must be deducted before any costs or expenses of

said sale is made, and when deducted, must by the officer or person collecting the same, be paid into the county treasury of the county into which such sale is made, to be applied under the direction of the court of county commissioners exclusively to the support of the poor of their county.

And providing further, That any extension of time or of indulgence given by plaintiffs or mortgage, or *cestui que* trust, shall not operate as a loss of time or evidence of fraud, provided said indulgence shall not exceed two years at any one time; and that they report by bill or otherwise. Lost.

Mr. Thrasher, a bill to regulate the fees of the office of bailiff in the county of Tallapoosa;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also, a bill to amend an act entitled "An act to exempt from levy and sale two hundred pounds of lint cotton for the use of every family, approved February 20, 1866."

Mr. Lindsey, a bill to allow all persons marrying in this State, and the one or the other dieing without children, that the survivor shall be heir to all the property they may have made, or have had given to them at the time of the decease;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Thrasher, a bill to amend an act entitled "An act to establish revenue laws for the State of Alabama;

Which was read the first, and second times, under a suspension of the constitutional rule, and referred to the committee on Ways and Means.

Mr. Hawthorn, a bill to make an additional appropriation to the census takers of this State;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Accounts and Claims.

Mr. Smith of Choctaw, by leave, introduced a bill to amend section 160 of the Penal Code of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Meadors, a bill to change the time of holding the present Fall term of the chancery court of Chambers and Tallapoosa districts;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Borden, a bill to establish a uniform and efficient system

of public instruction in the State of Alabama, and repeal the act to render more efficient the system of public schools in the State of Alabama, approved February 14, 1856, and the act to amend an act to render more efficient the system of free public schools in the State of Alabama, approved — 1860 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

The hour of 12 having arrived, the House proceeded to the election of a clerk;

Messrs. Turner Clanton and C. D. Wallace being in nomination.

Those who voted for Mr. Clanton are—

Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Cotten, Cox, Culver, Davis of Bibb, Dobson, Echols, Edwards, Ellis, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Hand, Hare, Humphrey, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Malone, Manasco, McAlexander, McBee, McCann, McLester, Meadors, Moore, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raiser, Richardson, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf, and Worthy—69.

Those who voted for Mr. Wallace are—

Messrs. Clark of Mobile, Craig, Grant, Hawthorne, Henry, Lanier, Ledbetter, Lindsey, Mabry, Malloy, McCoy of Tallapoosa, McKinstry, McMillan, Morse, Robinson of Baldwin, Smith of Choctaw, Vansandt, and Waller, and Younge—19.

Mr. Clanton having received a majority of the whole vote cast, was declared by the Speaker to be duly and constitutionally elected Principal Clerk of the House of Representatives.

The House then proceeded to elect an Assistant Clerk.

Mr. J. Phelan alone being in nomination, and receiving the whole vote cast, (55 votes,) he was declared by the Speaker to be duly and constitutionally elected Assistant Clerk of the House of Representatives.

Mr. Worthy, from select committee, made the following report :

The committee to whom was referred the joint resolution proposing a retrenchment in the expenditures of the State Government, beg leave to report back said resolutions to this House, and recommend their passage.

The report of the committee was concurred in, and the resolutions passed.

Messrs. Worthy, Pierce, and Grant, were appointed as members of the joint committee on the part of the House.

Mr. Speaker announced to the House that a House bill—

To amend an act entitled an act to exempt from levy and sale certain property for the use of every family in the counties of Jackson, Madison, Marshall, Lawrence, Limestone, Franklin and DeKalb, had been sent to the Senate by mistake.

On motion of Mr. Pierce,

Ordered that the Senate be requested to return said bill to the House.

GENERAL ORDERS.

The joint resolution to amend the constitution was read the first and second times, and ordered to be engrossed for a third reading on to-morrow.

The following engrossed joint resolution of the General Assembly of the State of Alabama, proposing an amendment to the constitution of the State—

Be it resolved by the House of Representatives, (the Senate concurring,) That the following amendment be proposed to the people at the next general election, and if a majority of the qualified voters of this State ratify the same, and then concurred in by a two-third vote of the next General Assembly, shall be the amended constitution of this State.

Strike out section two, article two, relating to State and county boundaries, and substitute in lieu thereof as follows, to-wit :

SECTION 2. The General Assembly may arrange and designate boundaries for the several counties of this State; but no new county shall be hereafter formed of less extent than four hundred and fifty square miles, nor shall any existing county be reduced to a less extent than four hundred and fifty square miles.

Be it further resolved, That in holding an election to ascertain the voice of the people on the amendment proposed, the returning officers shall conform to the requirements of section one (1) article nine (9) relating to amendment and revision of the constitution of the State of Alabama.

Mr. Leeper offered the following amendment :

Be it further resolved, That the proposed amendment be published in the Montgomery Weekly Advertiser for three months

before the next general election of representatives for the consideration of the people. Adopted.

Mr. McKinstry offered the following amendment :

Provided, That an additional member of the House of Representatives shall be added on the formation of a new county, to represent such county in the House of Representatives.

On motion of Mr. Leeper, the resolutions and amendments were referred to a select committee of five : Messrs. Leeper, McKinstry, Bethea, McCann and Manasco.

Engrossed bill, to amend section seventh (7th) of an act entitled an act to provide for taking the census for the State of Alabama for the year of 1866 ;

Which was read the third time, and;

On motion of Mr. Goodwin,

The vote by which it was put upon the third reading was reconsidered, and the bill referred to the delegation from Franklin.

Message from the Senate.

Mr. Speaker :

The Senate has passed the following House bill :

To provide for the future proceedings of the probate court of Mobile county, and to ratify the proceedings of the Hon. George. W. Bond, acting judge of said court.

The report of the select committee on the bill to repeal section 1556 of the Code of Alabama was taken up for consideration.

On motion of Mr. Cox,

The further consideration of said report was postponed until Wednesday next, and made the special order of that day at the hour of 12 m.

On motion of Mr. Goodwin—

The House adjourned till 10 o'clock to-morrow.

TUESDAY, November 20.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Davis.

Journal of yesterday read and approved.

On motion of Mr. Gibson, leave of absence was granted Mr. Frazer and Mr. Brooks for two days.

Mr. Speaker laid before the House the following communication from Mr. D. L. Dalton, Secretary of State :

OFFICE OF THE SECRETARY OF STATE, }
 Montgomery, Ala., November 16, 1866. }

HON. THOMAS B. COOPER,

Speaker of the House of Representatives :

SIR: I have this day received an official copy of a resolution adopted by the House of Representatives, instructing the Secretary of State "to report to the House as early as practicable the time when, the manner, and to what extent, the laws and journals of the preceding session of the General Assembly have been distributed." In response to this resolution, I have the honor to submit the following statement:

On the first day of July last I entered upon the duties of the office of Secretary of State. The retiring Secretary, the Hon. Albert Elmore, informed me that, for the purpose of distributing the acts and journals, he had appointed four agents, as provided for in section 99 of the Code.

Three of the agents had filed the bonds required by law, and entered upon the duty of distributing the documents in the districts for which they had been appointed. I have no means of knowing when the work of distribution commenced.

After I came into office, these agents all presented their accounts, which were approved and paid, as required by section 100 of the Code. The contracts and vouchers upon which the accounts were approved are now on file in this office.

There is no guide by which to ascertain the time when the various judges of probate received the documents, except the receipts furnished by those officers to the several agents. Upon examination of these receipts, I find that most of them are dated in the latter part of June and early part of July.

The agent whose bond was not on file when I took charge of the office, was appointed for a district composed of some of the counties in North Alabama. I immediately opened a correspondence with that agent, and ascertained that he had made a bond and mailed it, but from some cause it did not come to hand. Arrangements, however, were at once made for supplying that district, and the documents were accordingly distributed without delay.

It may be perhaps proper to remark, that since I have been in office I have received several letters from judges of probate in different parts of the State, informing me that the number of acts received was not sufficient to supply all the officers who were entitled to them. In all such cases the requisite number were immediately forwarded.

Very respectfully,

Your obedient servant,

D. L. DALTON, Sec'y. of State.

The speaker presented to the House a communication from Mr. Bryant Cobb, which was laid on the table.

Message from the Governor.

Mr. Speaker :

I am directed by the Governor to inform the House of Representatives that on the 19th instant, he approved a bill to be entitled an act to provide for the future proceedings in the probate court of Mobile county, and to ratify the proceedings of Hon. Geo. W. Bond, acting as judge of said court.

Very respectfully,

BEN. H. SCREWS,

Private Secretary.

On motion of Mr. Grant,

The call of the counties was suspended to allow the committee on Internal Improvements to report ;

When Mr. Leeper, from the committee on Internal Improvements, reported favorably on the bill—

To incorporate the New Orleans, Mobile and Chattanooga Railroad Company.

Report concurred in.

The bill was read the third time under the suspension of the constitutional rule, and passed.

On motion of Mr. Cooper, (Mr. Mabry in the chair), the bill was ordered to be sent to the Senate immediately.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has instructed me to return to the House in accordance with its request, the bill—

To amend an act to exempt certain property from levy and sale for the use of every family in the counties of Jackson, Madison, Marshall, Lawrence, Limestone, Franklin and DeKalb.

The Senate has originated and passed the following bills :

For the relief of Wm. F. Hanby, administrator of the estate of David Hanby, deceased, of Jefferson county ;

To regulate the fees of justices of the peace and constables of Montgomery county ;

To incorporate the Tuscumbia Saving Association at Tuscumbia ;

To amend section 2396 of the Code of Alabama ;

To authorize the court of county commissioners of Conecuh county to issue treasury notes and to levy a special tax ;

To amend an act entitled an act to amend an act to incorporate the Northern Bank of Alabama, approved February 2, 1854;

To provide for the insertion of certain laws in the Code of Alabama;

To regulate the appointment of overseers and supervisors of public roads in the county of Henry;

Fixing the time when certain laws shall take effect;

The Senate has passed the following House bills:

To enable the chancery court to decree directly to Julia Desha the estate coming to her under the will of her father, Robert Desha, deceased;

To authorize the voters of Beat No. 9, in Barbour county, to elect an additional constable;

To change the time of holding the present fall term of the chancery court of Chambers and Tallapoosa districts, in the Southern division of the State;

For the relief of Montgomery P. Kennon and Carlos Reese, jr.;

To protect the owners of stock in the county of Washington.

M. TAUL, Secretary.

REPORTS OF COMMITTEES.

Mr. McKinstry, from the Committee on the Judiciary, reported adversely to the passage of the bill—

To amend the attachment laws of the State.

The House concurred in the report of the Committee.

Mr. McKinstry, from the same committee, made the following report:

Your Judiciary Committee, to whom was referred a bill to repeal an act entitled an act to incorporate the Tuscaloosa Scientific and Art Association, for the purpose of encouraging science and art, and aiding the University of the State in replacing its library and establishing a scientific museum;

Beg leave to report:

That they are of the opinion, that the act creates a vested right in the corporation and their successors, which the Legislature cannot abrogate or repeal, and that this act now proposed would be in conflict with the Constitution of the United States, and void.

It is insisted by the advocates of this bill, that the act of incorporation was fraudulently obtained. Your committee are

of the opinion that the Legislature did not intend to grant any lottery charter at the last session, and upon a direct question involving a lottery, it would not have passed.

But this act is by no means a lottery, nor does it authorize lottery, but it authorizes the distribution of property and works of *vertu* and art for several laudable and praiseworthy objects, for which the person to whom the article is to be given, may require either the proper value in money, or if the article was over valued, that it should be re-valued, and he should receive the article at its true value, and the difference to be paid him in money.

If the agents managing it, have either intentionally acted regardless of the limitations in the act of incorporation, or have done so inadvertantly without any intention to violate the law; in either case such acts cannot be alleded as an argument against the charter.

Your committee beg leave to add, that after the statements made in this House on 16th of November under circumstances of corroboration of these truths, they are of the opinion that the act of incorporation had a full and careful examination in the Senate before its passage in the body, and that nothing occurred in the House than is usual at a late day of the session during a pressure of business.

They therefore recommend that the bill do not pass.

On motion of Mr. Worthy, the further consideration of the report was postponed until Thursday next, and made the special order of that day at the hour of 12 o'clock M.

Mr. McKinstry, from the same committee, reported favorably to the bill prescribing the manner in which executors, administrators and guardians, shall execute their official bonds in Greene county ;

Report of committee concurred in ;

The bill was read the third time under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

To repeal section 75 of the Penal Code ;

On motion of Mr. Moore, the bill was amended as to include section 7, chapter 1, of the revenue law, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. McKinstry, from the same committee reported favorably to the bill authorizing formation of corporations, for manufacturing chemicals, mercantile and insurance purposes, and making railroads, turnpikes, canals and water-works, or any other purpose ;

On motion of Mr. McKinstry, the further consideration of the report was postponed until Wednesday next, and made the special order of that day at the hour of 12 M.

Mr. McKinstry, from the same committee, reported favorably to the bill—

Respecting and regulating suits to enjoin or restrain proceedings or judgments at law ;

The report of the committee concurred in ;

The bill was read the third time under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, the House proceeded to the election of a Senator to the Congress of the United States, for the senatorial term, which expires on the 4th of March, 1873.

Messrs. Geo. S. Houston, John Anthony Winston and A. B. Cooper, being in nomination ;

Those who voted for Mr. Houston are—

Messrs. Speaker, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Culver, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Ledbetter, Lindsey, Malone, Malloy, McBee, McCain, McLester, Meadors, Moore, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Wilhite—40.

Those who voted for Mr. Winston are—

Messrs. Brandon, Davis of Bibb, Goldthwaite, Grant, Hare, Henry, Mumphrey, Lanier, Lawrence of Fayette, Mabry, McCoy of Tallapoosa, McKinstry, Moore, Oliver, Pierce, Robinson of Baldwin, Seawell, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Waller, Warren of DeKalb, Whitfield, Woolf, and Younge—27.

Those who voted for Mr. A. B. Cooper are—

Messrs. Bethea, Borden, Brooks, Caffey, Chapman, Clark of Mobile, Cox, Craig, Crenshaw, Davis of Barbour, Ellis, Faulk, Hardie, Hawthorne, Judkins, Lawrence of Cherokee, Leeper, McCann, McMillan, Odum, Pipkin, Stringer and Worthy—23.

Neither of the candidates having received a majority of the whole vote cast, Mr. Manasco moved to adjourn till 10 o'clock to-morrow. Lost.

The House then proceeded to vote a second time.

Those who voted for Mr. Houston are—

Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Culver, Davis of Bibb, Doster, Edwards, Freeman, Gafford, Gibson,

Goodwin, Hand, Ledbetter, Lindsey, Malott, Malloy, McBee, McCain, McLester, Meadors, Moore, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph and Wilhite—45.

Those who voted for Mr. Winston are—

Messrs. Brandon, Goldthwaite, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Mabry, McCoy of Tallapoosa, McKinstry, Morse, Oliver, Pierce, Robinson of Baldwin, Seawell, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Waller, Whitfield, Woolf and Younge—24.

Those who voted for Mr. A. B. Cooper are—

Messrs. Bethea, Borden, Brooks, Caffey, Chapman, Clark of Mobile, Cox, Craig, Crenshaw, Davis of Barbour, Ellis, Faulk, Hardie, Hawthorne, Judkins, Lawrence of Cherokee, Leeper, McCann, McMillan, Odum, Pipkin, Stringer and Worthy—23.

Neither of the candidates having received a majority of all the whole vote cast;

On motion of Mr. McKinstry,

The election was postponed until to-morrow 12 o'clock, m.

Mr. McKinstry moved to suspend the general orders;

Which was lost.

Mr. Thrasher moved to adjourn till 10 o'clock to-morrow;

Which was lost.

Engrossed joint resolutions to amend the constitution;

Were read the third time, and lost.

Yeas 33; nays 52.

YEAS—Messrs. Speaker, Ashford, Borden, Brandon, Callaway, Chapman, Cotten, Cox, Culver, Davis of Bibb, Edwards, Ellis, Gafford, Gibson, Hand, Hare, Hawthorne, Humphrey, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malott, McCain, McCann, McCoy of Tallapoosa, Morse, Odum, Plowman, Raisler, Thrasher, and Vansandt—33.

NAYS—Messrs. Bethea, Bourland, Brooks, Bush, Caffey, Clark of Mobile, Connelly, Craig, Crenshaw, Davis of Barbour, Dobson, Doster, Faulk, Goldthwaite, Goodwin, Grant, Hardie, Henry, Judkins, Lanier, Lawrence of Cherokee, Malloy, McAlexander, McBee, McKinstry, McLester, McMillan, Meadors, Moore, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Thorn, Tompkins, Waller, Warren of Lawrence, Williams of Jackson, Wilhite, Woolf, Worthy, and Younge—52.

Senate bills—

To repeal sections 104, 105 and 106 of an act to establish revenue laws of the State of Alabama, and to remit the penalties incurred therein ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means,

To make Sarah Elizabeth Marshall a free dealer ;

To extend the time of making the census return ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary,

To create a new county of portions of Macon, Montgomery, Pike and Barbour counties, to be called the county of Bullock ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Making appropriation for the pay of the members and officers of the present General Assembly ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

For the relief of Elly Smith and Susan Butler, of Clarke county ;

Which was read the first time, and ordered to a second reading on to-morrow.

Fixing the time when certain laws shall take effect ;

To amend section 2396 of the Code of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

To regulate the appointment of overseers and supervisors of public roads in the county of Henry ;

To provide for the insertion of certain laws in the Code of Alabama ;

Which were severally read the first, second and third times, under the suspension of the constitutional rule, and passed.

To amend an act entitled an act to incorporate the Northern Bank of Alabama, approved February 2, 1854 ;

Which was read the first time, and ordered to be read the second time on to-morrow.

For the relief of William F. Hanby, administrator of the estate of David Hanby, deceased, late of Jefferson county ;

To regulate the fees of justices of the peace and constables in the county of Montgomery ;

Which were severally read the first, second and third times,

under a suspension of the constitutional rule, and passed;
 To incorporate the Tuscumbia Savings Association, at Tuscumbia ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

To authorize the court of county commissioners of Conecuh county to issue treasury notes, and to levy a special tax ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Padgett,

The House adjourned until 10 o'clock a m., to-morrow.

WEDNESDAY, November 21.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Davis.

Journal of yesterday read and approved.

REPORT OF STANDING COMMITTEES.

Mr. Meadors, from the Judiciary Committee, reported a substitute for the bill—

To amend section 713 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail on writs of habeas corpus ;

“When the person is confined in the county jail or any other place, on a charge of felony, or under a commitment for felony, the petition must be addressed to the judge of the city court, or to the nearest circuit judge or chancellor, or the probate judge of the county where the person is confined, and when the person is confined in the Penitentiary or under a sentence, judgment, decree or order of the supreme court, the chancery court, the circuit court, or city court, the petition must be addressed to the judge of the city court, or to the nearest circuit judge, or chancellor ; in all other cases, it may be addressed to any one of them, or to the probate judge of the county ; and when the person is confined in any other place than the county jail or penitentiary, and on any other than a criminal charge, it may be addressed to any justice of the peace of the county or to the probate judge thereof ;”

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry from the same committee, reported favorably to the bill—

To regulate admiralty proceedings in the circuit and city courts of Mobile ;

Which was read the third time under a suspension of the constitutional rule, and passed.

Mr. Meadors, from the same committee, reported favorably to the bill—

For the relief of defendants in judgments rendered upon contracts made between 1st September, 1861, and first of May, 1865 ;

Which was read the third time, under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

To regulate the disposition of moneys arising from the sale of property in attachment suits ;

Which was read the third time, under the suspension of the constitutional rule and passed.

Mr. McKinstry from the same committee, reported adversely to the bill—

To allow persons to borrow money to carry on their farms, or any other business in which they may be engaged ;

The report of the committee was concurred in.

The Senate bill was read the third time and lost.

Mr. McKinstry, from the same committee, reported adversely to the passage of the bill—

To amend the attachment laws of the State of Alabama ;

The report of the committee was concurred in.

Mr. McKinstry, from the same committee, reported favorably to the bill—

For the relief of Rufus Forrester of Randolph county ;

Bill read the third time, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

For the relief of executors and guardians ;

Which was read the third time under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill,

To prevent tenants from selling or removing crops on rented premises without the consent of the landlord thereof ;

Which was read the third time, under a suspension of the constitutional rule.

On motion by Mr. Worthy, amended by inserting the

words, "or his agent," after the word, "landlord," by way of engrossed ryder, and the bill passed.

Mr. McKinstry, from the same committee, reported favorably to the bills,

To change the time of holding the circuit court of the county of Coosa, and repeal an act therein named ;

To regulate the courts of the middle chancery division of the State of Alabama ;

For the relief of Phillip T. Avery, of Chambers county ;

Which were read the third times, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported adversely to the bill—

To establish the city court of Demopolis.

On motion of Mr. Woolf, the further consideration of the report of said committee was postponed until the first Monday in December next, and made the special order of that day at the hour of 12 M.

Mr. McKinstry, from the same committee, reported adversely to the bills—

To regulate proceedings in the county court ;

To amend section 487 of the Penal Code of Alabama, so as to provide fees for circuit clerks in criminal cases in which defendants are insolvent.

The House concurred in the report of the committee.

Message from the Governor, by his Private Secretary, Ben. H. Screws ;

EXECUTIVE DEPARTMENT, }

STATE OF ALABAMA, }

Montgomery, November 20, 1867. }

Gentlemen of the Senate and House of Representatives :

I herewith transmit to the General Assembly the regular annual report of the Trustees of the Alabama Insane Hospital. It contains many interesting statistical facts and much important information, and exhibits in behalf of the Institution, a degree of prosperity highly gratifying to the State at large. It sets forth in a brief, but clear and logical manner the necessity of certain changes in the laws of admission and support of the indigent insane assembly. The present law appears to be inoperative, and the humane object of the State in the establishment of this great and noble object of charity seems to have been in some degree defeated.

All unnecessary restrictions to a cause like this, especially in

view of the embarrassments which the report of the trustees show, have attended the present policy, ought to be abolished,

R. M. PATTON.

On motion of Mr. Mabry, the report was referred to a select committee of five: Messrs. Mabry, Whitfield, Foster, Morse, and Clark of Lawrence,

Message from the Senate;

Mr. Speaker;

The Senate has originated and passed the following bills;

To amend an act entitled an act to define the relative duties of master and apprentice, approved Feb. 23, 1856;

To allow Jonathan Cooper, of Macon county, to peddle within said county free of tax;

To extend the provisions of an act therein named to the counties of Pickens, Fayette and Franklin;

For the relief of John Earp, of Fayette county;

To incorporate the Wilcox Monumental Association;

To authorize executors and administrators to rent lands privately;

For the relief of Rodolph Hottinguer;

And respectfully ask the concurrence of the House therein.

The Senate has passed the following House bills;

For the relief of Seaborn H. Holstein, of Tallapoosa county;

To regulate the time of holding the circuit court in St. Clair county;

To give the probate court of the county of Washington jurisdiction of the settlement of the estate of Thos. Buford;

To repeal an act entitled an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, so far as it relates to the county of Autauga;

To authorize the mayor and aldermen of Huntsville to issue the bonds of said corporation;

To repeal section 1 of an act entitled an act to amend an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, and for other purposes, so far as it applies to the county of Autauga;

To add a section to the charter of the city of Demopolis;

To authorize the mayor of the city of Mobile to take cognizance of, and try cases of misdemeanor, and discharge the duties of justice of the peace;

For the relief of Isaac Ross, of Macon county;

To regulate the fees of jurors and witnesses of the county of Chambers ;

To authorize compensation to owners of property in the city of Mobile, where new streets are made, or any alteration, repair, improvements or amendment of any street is made ;

Allowing additional compensation to jurors in the county of Winston.

The Senate has amended, and also passed the following House bills ;

To authorize the commissioners court of Chambers county to issue treasury notes to pay the present indebtedness of said county, to pay for the building of bridges, enlarging and repairing the court house and jail, and for other county purposes ;

To require certain officers of Marengo and Russell counties to reside at the court house, or within one mile thereof.

M. TAUL.

Mr. McKinstry, from the Judiciary Committee, reported adversely to the passage of the bills :

To abolish tax fees in civil suits ;

To regulate the liens of judgments and executions, and the sale of personal property on final process ;

To amend the laws in relation to the redemption of real estate.

The House concurred in the report of the committee.

Mr. Worthy gave notice that he would move a reconsideration of the vote passing the bill to prevent tenants from selling or removing crops from rented premises, without the consent of the landlord thereof.

Mr. McKinstry, from the same committee, reported favorably to the bill—

For the relief of James B. F. Lindsey, of the county of Tallapoosa ;

Which was read the third time, under a suspension of the constitutional rule, and passed;

Mr. McKinstry, from the same committee, reported adversely to the passage of the bill—

To regulate appeals in civil cases, and the granting of writs of injunction.

Report of the committee concurred in.

Mr. McKinstry, of same committee, reported favorably to the bills—

To amend section 2144 of the Code of Alabama ;

To add a section, to be denominated section 3, to an act en-

titled an act to give a lien on the crop and the stock, for advances to assist in making the crop ;

To regulate judicial proceedings ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed ;

Mr. McKinstry, from the same committee, made the following report on the bill—

To change the name of Louisa J. Gill, of the county of Montgomery :

That section 670, paragraph 11 of the Code of Alabama, provides for this subject, and therefore recommend that the bill do not pass.

The report of the committee was concurred in.

Mr. McKinstry, from same committee, reported adversely to the passage of the bill—

To secure land titles, in certain circumstances ;

Report of committee concurred in.

Mr. McKinstry, from same committee, reported favorably to the bill—

To allow the officers of Barbour county to charge and receive fifty per cent. on fees now allowed by law in the Code of Alabama ;

Mr. Pipkin moved to amend by adding the following proviso :

Provided, The provisions of the act shall not extend or apply to sheriffs' commissions for the collection of money on execution, or other legal process that may come into their hands for the collection of money :

Amendment adopted, and the bill read a third time, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

To repeal an act the more effectually to prevent the offenses of grand larceny, arson and burglary, approved December 15, 1865 ;

The bill was read the third time, under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from same committee, reported adversely to the passage of the bill—

To amend section 689 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail in all bailable cases ;

Report of committee concurred in.

Message from His Excellency the Governor :

Mr. Speaker :

I am instructed by the Governor to inform the House of Representatives, that he has this day approved a bill, entitled an act to change the time of holding the present fall terms of the chancery courts of Chambers and Tallapoosa districts, in the Southern Division of this State.

Very respectfully,

BEN. H. SCREWS,

Priv. Sec'y,

Leave of absence granted Mr. Woolf,

On motion of Mr. Goodwin, the House took recess of fifteen minutes.

At the expiration of the recess the Speaker called the House to order.

By leave, Mr. McKinstry offered the following resolution :

Resolved, That the Senate be invited to attend in the hall at 12 m., to proceed with the election of a United States Senator ;
Which was adopted.

On motion of Mr. Meadors, the general order was suspended to enable him to introduce the following resolution :

Resolved, by the House of Representatives, (the Senate concurring,) That the two Houses meet in joint convention in the House of Representatives at 12 o'clock on Friday next, the 23rd inst., for the purpose of electing a Secretary of State ;
Which was adopted.

The hour of 12 o'clock having arrived, the two Houses in joint convention proceeded to the election of a Senator to the Congress of the United States, for the Senatorial term, which expires on the 4th of March, 1873.

Messrs. Geo. S. Houston, Jno. A. Winston, A. B. Cooper and C. C. Langdon, being in nomination.

Those who voted for Mr. Houston are—

Messrs. Castens, Cooper, Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Culver, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Ledbetter, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Wilhite—51.

Those who voted for Mr. Winston are—

Messrs. Bell, Forney, Foster, Gage, Jackson of Lauderdale,

Jones, Lindsay, Norwood, Stansel, Winston, and Wood, of the Senate; Messrs. Brandon, Davis of Bibb, Echols, Goldthwaite, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McKinstry, Morse, Oliver, Pierce, Robinson of Baldwin, Seawell, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Waller, Warren of DeKalb, Whitfield, Woolf, and Younge—38.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Boykin, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, and Woodliff, of the Senate; Messrs. Bethea, Borden, Caffey, Chapman, Clark of Mobile, Cox, Craig, Crenshaw, Davis of Barbour, Ellis, Faulk, Hardie, Hawthorne, Judkins, Lawrence of Cherokee, Leeper, McCann, McMillan, Odum, Pipkin, Stringer and Worthy, of the House—34.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to vote the second time.

Mr. Worthy put in nomination Mr. C. C. Langdon.

Those who voted for Mr. Houston are—

Messrs. Castens, Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate; Messrs. Speaker, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Ledbetter, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Wilhite—49.

Those who voted for Mr. Winston are—

Messrs. Bell, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Moren, Stansel, Winston, Wood, of the Senate; Messrs. Ash, Brandon, Davis of Bibb, Echols, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McKinstry, Morse, Oliver, Pierce, Robinson of Baldwin, Seawell, Smith of Choctaw, Steadham, Thrasher, Waller, Warren of DeKalb, Whitfield and Woolf, of the House—36.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Boykin, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, and Woodliff, of the Senate; Messrs. Bethea, Caffey, Chapman, Clark of Mobile, Davis of Barbour, Ellis, Faulk, Hardie, Hawthorne, Lawrence of Cherokee, Leeper, McCann, McMillan, Odum, Pipkin, and Stringer, of the House—29.

Those who voted for Mr. Langdon are—

Mr. Barnes, of the Senate ; Messrs. Borden, Crenshaw, Culver, Goldthwaite, Judkins, Tompkins, Worthy and Younge, of the House—9.

Mr. Barnes, of the Senate, moved to adjourn. Lost.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to vote the third time.

Those who voted for Mr. Houston are—

Messrs. Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; Messrs. Speaker, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Doster, Edwards, Freeman, Gafford, Gibson, Godwin, Hand, Ledbetter, Leeper, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLes, ter, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Willhite—47.

Those who voted for Mr. Winston are—

Messrs. Bell, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Stansel, Winston, and Wood, of the Senate ; Messrs. Ash, Brandon, Jones of Bibb, Echols, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, Morse, Oliver, Pierce, Robinson of Baldwin, Seawell, Smith of Choctaw, Sturdivant, Thrasher, Waller, Warren of DeKalb, Whitfield, and Woolf—35.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon ; Powell of Tuscaloosa, and Woodliff, of the Senate ; Messrs. Caffey, Clark of Mobile, Craig, Ellis, Faulk, Hawthorne, McCann, McMillan, Odum, Pipkin, and Stringer, of the House—23.

Those who voted for Mr. Langdon are—

Messrs. Boykin and Castens, of the Senate ; Messrs. Borden, Chapman, Cox, Crenshaw, Culver, Davis of Barbour, Goldthwaite, Hardie, Judkins, Lawrence of Cherokee, Meadors, Tompkins, Worthy and Younge, of the House—16.

Neither of the candidates having received a majority of all the votes cast,

On motion of Mr. Bethea, of the House, the Convention adjourned till 12 o'clock to-morrow, and the Senate retired.

Yeas 70; nays 51.

YEAS—Messrs. Ashley, Barnes, Bell, Boykin, Castens, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale,

Jones, Kilpatrick, Lindsay, Mitchell, Montgomery, Norwood, Powell of Macon, Stansel, Winston, Wood and Woodliff, of the Senate ; Messrs. Speaker, Ash, Bethea, Brandon, Caffey, Chapman, Clark of Mobile, Craig, Culver, Davis of Barbour, Echols, Faulk, Goldthwaite, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Leeper, Lindsey, Mabry, Malone, McAlexander, McCann, McKinstry, McLester, McMillan, Meadors, Morse, Odum, Pipkin, Plowman, Raisler, Robinson of Baldwin, Smith of Choctaw, Sturdivant, Thrasher, Tompkins, Waller, Warren of DeKalb, Whitfield, Williams of Randolph, Worthy and Younge, of the House—70.

NAYS—Messrs. President, Deason, Drake, Edwards, Felder, Jackson of Morgan, Powell of Tuscaloosa, and Sykes, of the Senate ; and Messrs. Ashford, Bankhead, Borden, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Cox, Crenshaw, Doster, Edwards, Ellis, Freeman, Gafford, Gibson, Goodwin, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Malloy, Manasco, McBee, McCann, Moore, Oliver, Palmer, Padgett, Pierce, Potter, Richardson, Robinson of Chambers, Seawell, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Williams of Jackson, Wilhite, and Woolf, of the House—51.

By leave, Mr. McKinstry offered the following joint resolution :

Resolved by the House of Representatives of the State of Alabama, (the Senate concurring therein,) That this General Assembly take a recess on the 30th day of November, 1866; to continue until the 15th day of January, 1867, unless called together before that time by the Governor ;

Resolution adopted.

Yeas 52 ; nays 39.

YEAS—Messrs. Speaker, Ash Ashford, Bethea, Brandon, Caffey, Chapman, Clark of Mobile, Cotten, Cox, Craig, Culver, Davis of Barbour, Davis of Bibb, Doster, Edwards, Ellis, Faulk, Goodwin, Grant, Hand, Hawthorne, Lanier, Lawrence of Cherokee, Leeper, Lindsey, Mabry, Malone, McAlexander, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Meadors, Odum, Owens, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Seawell, Sturdivant, Thrasher, Tompkins, Vansandt, Waller, Warren of Lawrence, Whitfield, Williams of Jackson, Woolf, Worthy, and Younge—52.

NAYS—Messrs. Bankhead, Borden, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Crenshaw, Echols, Freeman, Gafford, Gibson, Goldthwaite, Hardie, Hare, Henry, Humphrey, Judkins, Lawrence of Fayette, Ledbetter, Malloy,

Mahasco, McBee, McCain, McLester, Moore, Morse, Oliver, Palmer, Padgett, Potter, Kaisler, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thorn, Williams of Randolph, and Wilhite—39.

On motion of Mr. Thrasher, the general orders were suspended to enable him to offer the following bill:

For the relief of Geo. E. Brewer, Adjutant and Inspector General;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Military Affairs.

On motion of Mr. Thrasher,

The House adjourned till 10 A. M., to-morrow.

THURSDAY, November 22.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Davis.

Journal of yesterday read and approved.

On motion of Mr. McKinstry,

The vote by which the report of the committee was concurred in, on the bill to abolish tax fees in civil cases, was reconsidered, and he withdrew the report.

On motion of Mr. McKinstry,

The vote concurring in the report of the committee on the bill to regulate the liens of judgments and executions, and the sale of property on final process, was reconsidered, and the report withdrawn.

On motion of Mr. McKinstry,

The vote concurring in the report of the committee on the bill to amend the laws in relation to the redemption of real estate, was reconsidered, and the report withdrawn.

On motion of Mr. McKinstry,

The vote concurring in the report of the committee on the bill to regulate appeals in civil cases and the granting of writs of injunction, was reconsidered, and the report withdrawn.

Mr. Worthy, according to previous notice, moved to reconsider the vote by which the bill to prevent tenants from selling or removing crops from rented premises without the consent of the landlord thereof, was passed;

Which was carried.

Mr. Worthy moved to reconsider the vote by which said bill was put upon its third reading;

Carried, and Mr. Worthy withdrew his amendment.

Mr. Manasco offered the following amendment :

Nothing in this bill shall be so construed as to prevent the tenant from using a part of the crop without the consent of the landlord, provided enough to pay all rents shall be left on the premises ;

Which was adopted.

On motion of Mr. McKinstry,

The bill was recommitted to the Judiciary Committee.

Mr. Mabry, from the select committee to whom was referred the report of the trustees of the Alabama Insane Hospital, reported a bill to be entitled an act in relation to the Alabama Insane Hospital ;

Which was read the first and second times, under the suspension of the constitutional rule.

Mr. Leeper moved to amend by inserting "or by the certificate of the judge of probate of the county from which said insane person was sent," after the word friend, in the 3d line of the 3d section ;

Which was lost.

The bill was read the third time under a suspension of the constitutional rule, and passed.

On motion of Mr. Mabry,

The bill was ordered to be sent to the Senate immediately.

Message from His Excellency the Governor, by Mr. B. H. Screws, his Private Secretary :

EXECUTIVE DEPARTMENT, }
STATE OF ALABAMA, }
Montgomery, November 22, 1866. }

To the Senate and House of Representatives :

I respectfully call your attention to an act of Congress, approved July 2d, 1862, "donating public lands to the several States and territories of the United States, to provide colleges for the benefit of agriculture and mechanic arts."

The acceptance of this grant on the part of Alabama is set forth in a preamble and joint resolution, authorizing Alabama to accept the grant of public lands, approved February 20, 1861.

The purpose of this donation is the endowment, support and maintenance of at least "one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts,

in such manner as the legislatures of the several States respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

In carrying out the purposes of this donation, it is positively prohibited that any part of its proceeds shall be applied to the purchase, erection, preservation or repair of any building or buildings for the purpose of the colleges contemplated by this act.

The financial condition of the State, and the poverty of its people, do not justify the appropriation of any money out of the public treasury for the erection of such buildings; and yet, unless some efficient steps are taken to fulfill the purposes of the donation before the 2d of July next, it will revert to the United States, and thus become lost to the State of Alabama.

Under these circumstances, I recommend that this agricultural college be made an adjunct of the University of the State. This course has been adopted by the legislature of the State of Georgia. I am not aware that there is any legal objection to such a disposition of the grant.

R. M. PATTON.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed the following bills :

For the relief of E. B. Hudson, sheriff of Lauderdale county, and E. C. McWilliams, sheriff of Wilcox county ;

To regulate the fees of the judge of probate of Clarke county ;

To regulate the compensation of members of the commissioner's court of Clarke county ;

To authorize J. B. Earle, executor of Thomas J. Wright, deceased, to sell the cotton belonging to the estate of said Wright, at private sale ;

To authorize the commissioners court of Pickens county to levy a special tax ;

To establish a new county to be called the county of Crenshaw ;

To authorize judges of probate to appropriate, when necessary, a portion of the principal of the estate of wards for their education and support.

The Senate has passed a House bill—

To increase the fees of public officers of Mobile county.

The Senate concurs in the resolution of the House, propos-

ing a committee of three on the part of each House to take into consideration the best mode and manner of regulating judicial proceedings.

Messrs. Barnes, Sykes and Lindsay are the committee on the part of the Senate.

The Senate also concurs in the resolution of the House proposing a joint committee of five to which shall be referred article 4, section 32 of the constitution, with a view to carry into practical effect the requirement of said article.

Messrs. Winston, Gage, Huckabee, Mitchell and Felder are the committee on the part of the Senate.

M. TAUL, Secretary.

On motion of Mr. Gibson, the rules were suspended to enable him to introduce a bill—

To provide a college for the benefit of agriculture and the mechanic arts in the State of Alabama, under act of Congress, approved respectively 2d July, 1862, and 14th April, 1864 ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to Committee on Education.

Message from the Senate.

Mr. Speaker :

The Senate has passed the House bill—

To incorporate the New Orleans, Mobile and Chattanooga Railroad Company.

M. TAUL, Secretary.

Mr. McKlnstry, from the Judiciary Committee, reported favorably to the bill—

To amend an act entitled an act to authorize the courts of county commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of public bridges in said counties, approved January 26, 1866 ;

Bill read third time, under the suspension of the constitutional rule, and passed.

Message from the Senate.

Mr. Speaker :

The Senate has amended the House resolutions to go into an election of Secretary of State at 12 o'clock m., on Friday

next, 23d inst., by striking out "12 o'clock" and inserting half-past eleven," and as amended has adopted the same.

M. TAUL, Secretary.

The House concurred in the Senate amendment.

Mr. McKinstry, from the Judiciary Committee, reported adversely to the bill to require parties applying for change of venue of civil cases to pay cost before the change be granted.

Report of the committee concurred in.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared within the hall of the House of Representatives, and the two houses, in joint convention, pursuant to adjournment, proceeded to elect a Senator to the Congress of the United States ;

Messrs. Geo. S. Houston, John A. Winston, A. B. Cooper, and C. C. Langdon, being in nomination.

Those who voted for Mr. Houston are—

Messrs. Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; Messrs. Speaker, Ash, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotton, Dobson, Doster, Edwards, Frazer, Freeman, Gafford, Gibson, Goodwin, Hand, Ledbetter, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, and Wilhite, of the House—49.

Those who voted for Mr. Winston are—

Messrs. Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Stausel, Winston and Wood, of the Senate ; Messrs. Brandon, Davis of Bibb, Echols, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McCoy of Russell, McKinstry, Moore, Oliver, Pierce, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Waller, Whitfield, Woolf, and Younge, of the House—35.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Powell of Tuscaloosa, Slaughter and Woodliff, of the Senate ; Messrs. Bethea, Caffey, Clark of Mobile, Cox, Craig, Crenshaw, Davis of Barbour, Ellis, Faulk, Hardie, Hawthorne, Leeper, McCann, McMillan, Odum, Pipkin and Stringer, of the House—29.

Those who voted for Mr. Langdon are—

Messrs. Boykin, and Castens, of the Senate ; Messrs. Borden, Chapman, Culver, Goldthwaite, Judkins, Lawrence of Cherokee, Meadors, Owens, Tompkins, and Worthy, of the House—12.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to ballot the 2d time.

Those who voted for Mr. Houston are—

Messrs. Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Lawrence of Cherokee, Ledbetter, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Warren, Williams of Jackson, Williams of Randolph, and Willhite, of the House—51.

Those who voted for Mr. Winston are—

Messrs. Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Powell of Macon, Stansel, Winston, and Wood, of the Senate ; Messrs. Brandon, Echols, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McCoy of Russell, McKinsty, Morse, Oliver, Pierce, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Waller, Whitfield, and Woolf, of the House—35.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Bell, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Tuscaloosa, Slaughter, and Woodliff, of the Senate, Messrs. Bethea, Caffey, Cox, Craig, Crenshaw, Ellis, Faulk, Hardie, Hawthorne, Leeper, McCann, McMillan, Odum, Owens, Pipkin, and Stringer, of the House—28.

Those who voted for Mr. Langdon are—

Messrs. Boykin and Castens, of the Senate ; Messrs. Borden, Chapman, Clark of Mobile, Culver, Davis of Barbour, Frazer, Goldthwaite, Judkins, Tompkins, Worthy and Younge, of the House—13.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to a

THIRD BALLOT,

Those who voted for Mr. Houston are—

Messrs. Deason, Drake, Edwards, Felder, Jackson of Morgan and Sykes, of the Senate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Lawrence of Cherokee, Ledbetter, Malone, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, and Wilhite, of the House—52.

Those who voted for Mr. Winston are—

Messrs. Beil, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Powell of Tuscaloosa, Stansel, Winston and Wood of the Senate ; Messrs. Brandon, Echols, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McAlexander, McCoy of Russell, McKinstry, Morse, Oliver, Pierce, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Tompkins, Waller, Whitfield and Woolf, of the House—37.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Powell of Macon, Slaughter, and Woodliff, of the Senate ; and Messrs. Bethea, Caffey, Cox, Craig, Crenshaw, Ellis, Faulk, Hawthorne, Leeper, McCann, McMillan, Odum, and Stringer, of the House—24.

Those who voted for Mr. Langdon are—

Messrs. Boykin and Castens, of the Senate ; and Messrs. Borden, Chapman, Clark of Mobile, Culver, Davis of Barbour, Frazer, Goldthwaite, Judkins, Owens, Pipkin, Worthy, and Younge, of the House—14.

Neither of the candidates having received a majority of all the votes cast,

Mr. McKinstry moved to adjourn till to-morrow ;

Which was lost.

The convention then proceeded to the

FOURTH BALLOT.

Those who voted for Mr. Houston are

Messrs. Bell, Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; and Messrs. Speaker, Ash, Ashford, Bankhead, Boulden, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Dobson, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Lawrence of Cherokee, Ledbetter,

Leeper, Malone, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, and Willhite, of the House—51.

Those who voted for Mr. Winston are—

Messrs. Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Powell of Macon, Powell of Tuscaloosa, Stansel, Winston, and Wood, of the Senate ; and Messrs. Brandon, Davis of Bibb, Echols, Ellis, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McAlexander, McCoy of Russell, McKinsty, Morse, Oliver, Pierce, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Waller, Whitfield, and Woolf, of the House—57.

Those who voted for Mr. Cooper are—

Messrs. President, Ashley, Barnes, Garrett, Huckabee, Kilpatrick, Mitchell, Montgomery, Slaughter, and Woodliff, of the Senate ; and Messrs. Caffey, Cox, Craig, Faulk, Hawthorne, McMillan, Odum, and Stringer, of the House—19.

Those who voted for Mr. Langdon are—

Messrs. Boykin and Castens, of the Senate ; and Messrs. Borden, Chapman, Clark of Mobile, Crenshaw, Culver, Davis of Barbour, Goldthwaite, Hardie, Judkins, Owens, Pipkin, Tompkins, Worthy, and Younge, of the House—18.

Neither candidate having received a majority of all the votes cast,

Mr. McKinsty moved to adjourn till to-morrow 12 o'clock,
m Lost.

The convention proceeded to the

FIFTH BALLOT.

Those who voted for Mr. Houston are—

Messrs. Bell, Deason, Drake, Edwards, Felder, Jackson of Morgan, and Sykes, of the Senate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotton, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Lawrence of Cherokee, Ledbetter, Leeper, Malone, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, McLester, Meadors, Moore, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Willhite, of the House—51.

Those who voted for Mr. Winston are—

Messrs. Forney, Foster, Gage, Jackson of Lauderdale, Jones, Lindsay, Norwood, Powell of Macon, Stansel, Winston and Wood, of the Senate ; Messrs. Brandon, Echols, Ellis, Grant, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McAlexander, McCoy of Russell, McKinstry, Morse, Oliver, Pierce, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Tompkins, Waller, Whitfield and Woolf; of the House—37.

Those who voted for Mr. Cooper are—

Messrs. President, Deason, Garrett, Huckabee, Kilpatrick, Mitchell, Powell of Tuscaloosa and Woodliff, of the Senate ; Messrs. Caffey, Cox, Craig, Faulk, Hardie, Hawthorne, McCann, McMillan, Odum, Steadham and Stringer, of the House—17.

Those who voted for Mr. Langdon are—

Messrs. Ashley, Boykin, Castens, and Montgomery, of the Senate ; and Messrs. Bethea, Borden, Chapman, Clark of Mobile, Crenshaw, Culver, Davis of Barbour, Frazer, Goldthwaite, Judkins, Owens, Pipkin, Worthy, and Younge, of the House—18.

Neither of the candidates having received a majority of all the votes cast,

Mr. McKinstry moved to adjourn till 12 o'clock to-morrow ;
Which was lost.

Yeas 39 ; nays 74.

YEAS—Messrs. Barnes, Bell, Castens, Foster, Gage, Garrett, Jones, Kilpatrick, Lindsay, Norwood, Stansel, Winston, and Wood, of the Senate ; and Messrs. Speaker, Bethea, Brandon, Caffey, Chapman, Clark of Mobile, Craig, Culver, Davis of Barbour, Davis of Bibb, Edwards, Faulk, Grant, Hand, Hardie, Henry, Humphrey, Lanier, Leeper, Lindsey, Mabry, Malone, McAlexander, McCann, McCoy of Tallapoosa, McKinstry, McLester, Odum, Oliver, Plowman, Raisler, Sheffield, Smith of Choctaw, Warren of DeKalb, Williams of Randolph, and Younge, of the House—39.

NAYS—Messrs. President, Ashley, Boykin, Deason, Drake, Edwards, Felder, Forney, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Mitchell, Powell of Macon, Powell of Tuscaloosa, Slaughter, Sykes, and Woodliff, of the Senate ; and Messrs. Ash, Ashford, Bankhead, Borden, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Cox, Crenshaw, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hare, Hawthorne, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Malloy,

McBee, McCain, McMillan, Meadors, Moore, Morse, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Vansandt, Waller, Whitfield, Williams of Jackson, Wilhite, and Woolf—74.

The convention then proceeded to ballot a sixth time.

Mr. Huckabee, of the Senate, withdrew the name of Mr. A. B. Cooper.

Those who voted for Mr. Houston are :

Messrs. Deason, Drake, Edwards, Felder, Garrett, Huckabee, Jackson of Morgan, Sykes and Woodliff, of the Senate ; Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Cunnelly, Cotten, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Lawrence of Cherokee, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCoy of Russell, McLester, Meadors, Moore, Odum, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, and Wilhite, of the House—56.

Those who voted for Mr. Winston are—

Messrs. Bell, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Winston and Wood, of the Senate ; Messrs. Brandon, Caffey, Craig, Davis of Biob, Echols, Ellis, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey, Mabry, McAlexander, McCoy of Russell, McKinstry, McMillan, Morse, Oliver, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Waller, Whitfield and Woolf, of the House—47.

Those who voted for Mr. Langdon are—

Messrs. President, Ashley, Barnes, Boykin, Castens and Montgomery, of the Senate ; Messrs. Bethea, Borden, Chapman, Clark of Mobile, Cox, Crenshaw, Culver, Davis of Barbour, Faulk, Frazer, Goldthwaite, Hardie, Judkins, Malone, McCann, Owens, Tompkins and Younge, of the House—24.

Neither of the candidates having received a majority of all the votes cast,

Mr. Goodwin moved to adjourn until 12, m., to-morrow. Lost.

Yeas 40 ; nays 80.

YEAS—Messrs. Ashley, Barnes, Bell, Boykin, Castens, Foster, Garrett, Jones, Kilpatrick and Montgomery, of the Senate;

Messrs. Speaker, Ashford, Bethea, Bourland, Brandon, Caffey, Callaway, Chapman, Clark of Mobile, Cotten, Craig, Culver, Doster, Echols, Edwards, Hardie, Judkins, Lanier, Lawrence of Cherokee, Lindsey, McCoy of Tallapoosa, McLester, Oliver, Raisler, Smith of Jackson, Steadham, Sturdivant, Williams of Randolph, Willhite and Younge of the House—40.

NAYS—Messrs. President, Deason, Drake, Edwards, Felder, Forney, Gage, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Lindsay, Mitchell, Moren, Powell of Macon, Powell of Tuscaloosa, Stansel, Sykes, Winston, Wood and Woodliff, of the Senate; Messrs. Ash, Bankhead, Bush, Clark of Lawrence, Connelly, Cox, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Russell, McKinstry, McMillan, Meadors, Moore, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Stringer, Thorn, Vansandt, Waller, Whitfield, Williams of Jackson and Woolf, of the House—80.

The Convention then proceeded to the

SEVENTH BALLOT.

Those who voted for Mr. Houston are—

Messrs. Deason, Drake, Edwards, Felder, Garrett, Huckabee, Jackson of Morgan, Sykes, and Woodliff, of the Senate; Messrs. Speaker, Ash, Ashford, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotten, Cox, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Lawrence of Cherokee, Ledbetter, Leeper, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McLester, Meadors, Moore, Odum, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Willhite of the House—55.

Those who voted for Mr. Winston are—

Messrs. Bell, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Winston and Wood, of the Senate; Messrs. Brandon, Caffey, Craig, Davis of Bibb, Echols, Ellis, Goldthwaite, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Fayette, Lindsey,

Mabry, McAlexander, McBee, McCoy of Russell, McKinstry, McMillan, Morse, Oliver, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Sawell, Smith of Choctaw, Sturdivant, Waller, Whitfield and Woolf, of the House—49.

Those who voted for Mr. Langdon are—

Messrs. President, Ashley, Barnes, Boykin, Castens, and Montgomery, of the Senate; Messrs. Bethea, Borden, Chapman, Clark of Mobile, Crenshaw, Culver, Davis of Barbour, Faulk, Frazer, Hardie, Judkins, Owens, Worthy, and Younge, of the House—20.

Neither candidate having received a majority of all the votes cast, the convention proceeded to the

EIGHTH BALLOT.

Mr. Worthy withdrew the name of Mr. Langdon.

Those who voted for Mr. Houston are—

Messrs. President, Barnes, Castens, Deason, Drake, Edwards, Felder, Garrett, Huckabee, Jackson of Morgan, Montgomery, Sykes and Woodliff, of the Senate; and Messrs. Speaker, Ash, Ashford, Bankhead, Bourland, Bush, Callaway, Clark of Lawrence, Connelly, Cotton, Cox, Dobson, Doster, Edwards, Freeman, Gafford, Gibson, Goodwin, Hand, Hardie, Lawrence of Cherokee, Ledbetter, Leeper, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, Meadors, Moore, Odum, Palmer, Padgett, Plowman, Potter, Richardson, Sheffield, Smith of Jackson, Steadham, Stringer, Thorn, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy, of the House—61.

Those who voted for Mr. Winston are—

Messrs. Ashley, Bell, Boykin, Forney, Foster, Gage, Jackson of Lauderdale, Jones, Kilpatrick, Lindsay, Mitchell, Norwood, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Winston, and Wood, of the Senate; and Messrs. Bethea, Borden, Brandon, Caffey, Chapman, Clark of Mobile, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Faulk, Frazer, Goldthwaite, Grant, Hare, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence of Fayette, Lindsey, Mabry, McAlexander, McBee, McCoy of Russell, McKinstry, McMillan, Morse, Oliver, Owens, Pierce, Pipkin, Raisler, Robinson of Baldwin, Robinson of Chambers, Sawell, Smith of Choctaw, Sturdivant, Tompkins, Waller, Whitfield, Woolf and Younge, of the House—65.

Mr. Winston having received a majority of all the votes cast, was declared duly and constitutionally elected Senator to

the Congress of the United States, for the term commencing on the 4th of March, 1867, and expiring the 4th of March, 1873.

On motion, the convention adjourned, and the Senate retired.

On motion, the orders of the day were suspended, to enable Mr. Caffey to offer the following joint resolution :

Resolved by the House of Representatives of the State of Alabama, the Senate concurring therein, That the Senate and House of Representatives meet in the Hall in joint convention on Friday next, at 11 and $\frac{1}{2}$ o'clock, to elect an Adjutant and Inspector General for the State of Alabama.

On motion of Mr. Worthy, the further consideration of the resolution was postponed.

On motion of Mr. Echols, the orders of the day were suspended to enable him to introduce a bill to incorporate the village of Loachapoka, in the county of Macon ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

On motion of Mr. Freeman, the orders of the day were suspended, to enable him to offer the following resolution ;

Which was adopted.

Resolved, That the communication of the Secretary of State, together with the resolution of Mr. Mabry, on the same subject, be referred to the Committee on Retrenchment, with authority to send for persons and papers, and with instructions to report to this House.

1st. At what time the printing of the acts and journals of the last session of this General Assembly was completed.

2d. Whether the neglect to distribute said acts or journals is the fault of the public printer, Secretary of State, or agents appointed by the latter.

3d. A bill which will provide an efficient remedy for the evil complained of, and secure hereafter an early distribution to each member of this General Assembly, and such others as are by law entitled to them, of the aforesaid documents.

On motion of Mr. Moore, the House adjourned till 10 o'clock a. m. to-morrow.

FRIDAY, November 23,

The House met pursuant to adjournment.

Prayer by Rev. Mr. Vansandt,

Journal of yesterday read and approved,

REPORT OF STANDING COMMITTEES.

On motion of Mr. Smith of Jackson, the orders of the day were suspended to enable him to introduce the bill—

To provide a summary remedy for recovering the stock killed on the Memphis and Charleston Railroad ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on the Judiciary, with instructions to make the bill applicable to all railroads in the State.

Mr. McKinstry, from the committee on the Judiciary, reported adversely to the bills—

To constitute Emily J. Rollenberry a free dealer ;

To amend section 405 of the Penal Code of Alabama ;

To declare Eliza A. Cone, wife of Robert R. Cone, of the county of Chambers, a free dealer ;

The report of the committee was concurred in.

Mr. McKinstry, from the same committee, reported adversely to the joint resolution—

To prevent petit larceny, assaults and battery, affrays, unlawful assemblages, vagrancy and other misdemeanors from being given in charge by the circuit judges to the grand juries ;

Report of the committee was concurred in.

Mr. McKinstry, from the same committee, reported adversely to the passage of the bill—

To declare Caroline M. Baldwin a free dealer ;

Report of the committee was concurred in ;

Yeas 48, nays 31.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Davis of Barbour, Dobson, Doster, Edwards, Ellis, Faulk, Frazer, Gibson, Grant, Hand, Hardie, Henry, Lawrence of Cherokee, Leeper, Malone, McBee, McCain, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Meadors, Moore, Oliver, Owens, Palmer, Padgett, Pipkin, Richardson, Robinson of Baldwin, Smith of Choctaw, Sturdivant, Thorn, Tompkins, Waller and Whitfield—48.

NAYS—Messrs. Bankhead, Chapman, Cotten, Crenshaw, Culver, Echols, Freeman, Gafford, Goldthwaite, Hawthorne, Judkins, Lanier, Lawrence of Fayette, Lindsey, Malloy, Manasco, McCoy of Tallapoosa, Odum, Plowman, Raisler, Seawell, Sheffield, Smith of Jackson, Stringer, Thrasher, Vansandt, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Willhite and Worthly—31.

Mr. Mabry, from the committee on Banks and Banking, re-

ported favorably on the bill to deal justly with the Bank of Mobile, and recommended that it be amended by striking out of the caption the words "to deal justly with," and insert in lieu thereof, the words "for the relief of";

Mr. Bethea offered the following amendment, to be inserted after the word Mobile in section 1st: "Southern Bank, Central Bank, Commercial Bank, Eastern Bank, and Northern Bank of Alabama";

Pending the consideration of which,

The hour of eleven and a half o'clock having arrived, at which the two houses agreed to meet in joint convention for the purpose of electing a Secretary of State.

Mr. Williams of Jackson, put in nomination the name of Micah Taul;

Mr. Edwards of the Senate, put in nomination the name of Mr. P. H. Brittan;

Mr. Clark of Mobile, put in nomination the name of Mr. D. L. Dalton;

Mr. Garrett of the Senate, put in nomination the name of Mr. R. C. Clark;

Mr. Foster of the Senate, put in nomination the name of W. H. Ogbourne;;

Those who voted for Mr. Taul are :

Messrs. Barnes, Deason, Gage, Jackson of Morgan, Montgomery, Norwood, Powell of Macon, Slaughter, Stansel, Wood and Woodliff, of the Senate; Messrs. Borden, Bush, Edwards, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Oliver, Padgett, Plowman, Seawell, Smith of Jackson and Williams of Jackson, of the House—27.

Those who voted for Mr. Brittan are :

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsey, Mitchell and Powell of Macon, of the Senate; Messrs. Bethea, Calloway, Chapman, Crenshaw, Echols, Frazer, Gafford, Lawrence of Fayette, Manasco, McCoy of Russell, Meadors, Moore, Owens, Palmer, Robinson of Baldwin, Stringer, Waller, Whitfield and Worthy of the House—28.

Those who voted for Mr. Dalton are :

Messrs. Cooper, Jackson of Lauderdale and Winston of the Senate; Messrs. Ashford, Bourland, Clark of Mobile, Davis of Barbour, Freeman, Goodwin, Humphrey, Lanier, McAlexander, McKinstry, McLester, Pipkin, Potter, Sheffield, Thorn, Tompkins, Williams of Randolph, and Willhite, of the House—21.

Those who voted for Mr. Clark are :

Messrs. Drake, Forney and Garrett, of the Senate; Messrs.

Bankhead, Brandon, Clark of Lawrence, Cotten, Cox, Craig, Edwards, Ellis, Faulk, Gibson, McCain, McCoy of Tallapoosa, Raisler, Richardson, Savage, Sturdivant, Van-sandt, Warren of DeKalb and Young, of the House—22.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa, and Sykes, of the Senate; Messrs. Speaker, Ash, Caffey, Connelly, Davis of Bibb, Dobson, Doster, Goldthwaite, Grant, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Smith of Choctaw, Steadham and Thrasher, of the House—25.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

SECOND BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Gage, Jackson of Morgan, Montgomery, Norwood, Slaughter, Stansel, Wood and Woodliff, of the Senate; Messrs. Ash, Borden, Bush, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Oliver, Padgett, Plowman, Savage, Seawell, Smith of Choctaw, Smith of Jackson, and Williams of Jackson, of the House—30.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Mitchell, and Powell of Macon, of the Senate; Messrs. Bethea, Callaway, Chapman, Crenshaw, Echols, Frazer, Gafford, Lanier, Lawrence of Fayette, Manasco, McCoy of Russell, Meadors, Moore, Owens, Palmer, Robinson of Baldwin, Stringer, Waller, Whitfield and Worthy, of the House—28.

Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale, Lindsay and Winston, of the Senate; Messrs. Ashford, Bourland, Clark of Lawrence, Clark of Mobile, Cotten, Davis of Barbour, Freeman, Gibson, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Pipkin, Potter, Sheffield, Thorn, Williams of Randolph and Willhite, of the House—24.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate; Messrs. Speaker, Brandon, Caffey, Connelly, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Steadham and Thrasher, of the House—23.

Those who voted for Mr. Clarke are—

Messrs. Drake, Forney and Garrett, of Senate ; Messrs. Bankhead, Cox, Craig, Edwards, Ellis, Faulk, McCain, McCoy of Tallapoosa, Raisler, Richardson, Sturdivant, Tompkins, Warren of DeKalb and Younge, of the House—17.

Neither of the candidates having received a majority of all the votes cast,

The Convention proceeded to the

THIRD BALLOT:

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Forney, Gage, Jackson of Morgan, Kilpatrick, Montgomery, Powell of Macon, Slaughter, Stansel, Wood and Woodliff, of the Senate ; Messrs. Ash, Ashford, Borden, Brandon, Bush, Hand, Hardie, Hawthorne, Henry, Lawrence of Fayette, Ledbetter, Leeper, Mabry, McBee, McCann, Oliver, Padgett, Plowman, Seawell, Smith of Jackson and Williams of Jackson, of the House—33.

Those who voted for Mr. Brittan are :

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Lindsey, and Mitchell, of the Senate ; Messrs. Bethea, Callaway, Chapman, Crenshaw, Frazer, Gafford, Lanier, Manasco, McCoy of Russell, Meadors, Moore, Owens, Palmer, Pipkin, Robinson of Baldwin, Savage, Smith of Choctaw, Stringer, Waller, Whitfield and Worthy, of the House—28.

Those who voted for Mr. Dalton are :

Messrs. Cooper, Jackson of Lauderdale and Winston of the Senate ; Messrs. Bourland, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Freeman, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Potter, Sheffield, Thorn, Tompkins and Williams of Randolph, of the House—19.

Those who voted for Mr. Clarke are :

Messrs. Drake, Garrett and Norwood, of the Senate ; Messrs. Bankhead, Cox, Craig, Edwards, Ellis, Faulk, McCain, McCoy of Tallapoosa, Raisler, Richardson, Sturdivant, Vansandt, Wilhite and Worthy, of the House—17.

Those who voted for Mr. Ogbourne are :

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate ; Messrs. Speaker, Caffey, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Echols, Gibson, Goldthwaite, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Steadham, Thrasher and Warren of DeKalb, of the House—26.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

FOURTH 'BALLOT.

Those who voted for Mr. Taul are ;

Messrs. Barnes, Deason, Gage, Jackson of Morgan, Montgomery, Norwood, Slaughter, Stansel and Woodliff, of the Senate ;

Messrs. Ash, Borden, Brandon, Bush, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Potter, Savage, Seawell, Sheffield, Smith of Jackson, and Williams of Jackson, of the House—30.

Those who voted for Mr. Brittan are :

Messrs. Boykin, Edwards, Jones, Kilpatrick and Mitchell, of the Senate ; Messrs. Calloway, Chapman, Crenshaw, Faulk, Frazer, Gafford, Gibson, Lanier, Lawrence of Fayette, Manasco, McCoy of Russell, Meadors, Moore, Owens, Pipkin, Robinson of Baldwin, Whitfield and Worthy, of the House—23.

Those who voted for Mr. Dalton are :

Messrs. Cooper, Jackson of Lauderdale, Lindsay, Powell of Macon, and Winston of the Senate ; Messrs. Bourland, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Freeman, Grant, Humphrey, McAlexander, McKinstry, McLester, Thorn, and Tompkins of the House—16.

Those who voted for Mr. Clarke are :

Messrs. Drake, Garrett and Powell of Macon, of the Senate ; Messrs. Bankhead, Cotten, Cox, Craig, Echols, Edwards, Ellis, McCain, McCoy of Tallapoosa, Palmer, Raisler, Richardson, Smith of Choctaw, Sturdivant, Vansandt, Waller, Wilhite and Young, of the House—22.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Foster, Huckabee, Powell of Tuscaloosa, Sykes and Wood, of the Senate ; Messrs. Speaker, Ashford, Caffey, Connelly, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Steadham, Thrasher, Warren of DeKalb and Williams of Randolph, of the House—25.

Neither of the candidates having received a majority of all the votes cast,

The Convention proceeded to the

FIFTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Gage, Montgomery, Norwood, Slaughter, Stansel and Woodliff, of the Senate ; Messrs. Ash,

Borden, Brandon, Hand, Hardie, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Seawell, Smith of Jackson, and Williams of Jackson, of the House—24.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Edwards, Jones, Lindsay, Mitchell, Powell of Macon, and Wood, of the Senate; Messrs. Bankhead, Bethea, Callaway, Chapman, Cotten, Crenshaw, Echols, Frazer, Gafford, Lawrence of Fayette, Manasco, McCoy of Russell, Meadors, Owens, Stringer, Whitfield, and Worthy, of the House—25.

Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale, Kilpatrick, and Winston, of the Senate; Messrs. Ashford, Bourland, Bush, Clark of Lawrence, Clark of Mobile, Freeman, Gibson, Grant, Humphrey, McAlexander, McKinstry, McLester, Palmer, Pipkin, Richardson, Sheffield, Smith of Choctaw, Thorn, Tompkins, Wilhite and Younge, of the House—25..

Those who voted for Mr. Clark are—

Messrs. Drake, Forney, Garrett, and Jackson of Morgan, of the Senate; Messrs. Cox, Craig, Edwards, Ellis, Faulk, Goldthwaite, Hawthorne, McCain, McCoy of Tallapoosa, Richardson, Savage, Sturdivant, Vansandt, and Waller, of the House—18.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa, and Sykes, of the Senate; Messrs. Speaker, Caffey, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Steadham, Thrasher, Waller, Warren of DeKalb, and Williams of Randolph, of the House—23.

Neither of the candidates having received a majority of all the votes cast.

Mr. Powell of the Senate moved to adjourn until 12 o'clock to-morrow;

Which was lost.

The Convention then proceeded to the

SIXTH BALLOT.

Those who voted for Mr. Paul are—

Messrs. Barnes, Deason, Gage, Jackson of Morgan, Lindsay, Montgomery, Norwood, Powell of Macon, Slaughter, Stansel, and Woodliff, of the Senate; Messrs. Ash, Borden, Brandon, Bush, Gibson, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Oliver, Padgett, Plowman;

Seawell, Smith of Jackson, Williams of Jackson, of the House—31.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Castens, Edwards, Jones, Kilpatrick and Mitchell, of the Senate ; Messrs. Bankhead, Bethea, Callaway Chapman, Crenshaw, Echols, Frazer, Gafford, Lanier, Lawrence of Fayette, Manasco, McCoy of Russell, Meadors, Morse, Owens, Robinson of Baldwin, Stringer, Whitfield and Worthy, of the House—25.

Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale, and Winston, of the Senate ; Messrs. Ashford, Bourland, Clark of Mobile, Davis of Barbour, Freeman, Grant, Humphrey, McAlexander, McKinstry, McLester, Ripkin, Raisler, Richardson, Sheffield and Thorn, of the House—18.

Those who voted for Mr. Clarke are—

Messrs. Drake, Forney, Garrett and Wood, of the Senate ; Messrs. Cotten, Cox, Craig, Edwards, Ellis, Faulk, McCain, McCoy of Tallapoosa, Savage, Sturdivant, Vansandt, Waller and Wilhite, of the House—17.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Boykin, Felder, Foster, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate ; and Messrs. Speaker, Caffey, Connelly, Davis of Bibb, Dobson, Doster, Goldhtwaite, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Smith of Choctaw, Steadham, Thrasher, Warren of DeKalb and Williams of Randolph—26.

On motion of Mr. Lindsey, of the Senate, the convention adjourned till 12 o'clock to-morrow, and the Senate retired.

By leave, Mr. Smith of Choctaw introduced a bill for the relief of A. A. Coleman, late judge of the seventh judicial circuit of the State ;

By leave, Mr. Hare introduced a bill to incorporate the Noxubee Bridge Company ;

Which was read the first and second time, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

By leave, Mr. Bankhead offered the following resolution ;

Which was adopted.

Resolved, That the Judiciary Committee be instructed to report back to this House a bill to amend section 7, and repeal sections 2, 3, 4 and 5 of an act entitled an act to regulate judicial proceedings, or a substitute thereto, at as early a day as possible.

By leave, Mr. Williams of Jackson introduced a bill to au-

thorize the trustees of township 1; range 9, east, in Jackson county, to erect school houses ;

Which was read the first and second times, under a suspension of the constitutional rule and referred to the Committee on Education.

By leave, Mr. McCann offered a bill to authorize the Montgomery Mining and Manufacturing Company to open and construct roads to their mines and works in Talladega county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By leave, Mr. Lawrence of Fayette, a bill for the relief of the tax collector of Fayette county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The House resumed the consideration of the bill to deal justly with the Bank of Mobile.

Mr. Cox moved to amend the amendment by proviso.

Provided, That said banks shall redeem their outstanding notes at par, in currency ; pending the consideration of which, on motion of Mr. Worthy, the House adjourned until ten o'clock to-morrow:

SATURDAY, November 24.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

Journal of yesterday read and approved.

Leave of absence granted to Messrs. Gafford, Meadors, Edwards, Young, and Mr. Clarke, the door-keeper.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported favorably on the Senate bill—

To create a new county of portions of Macon, Montgomery Pike and Barbour counties, to be called the county of Bullock, with an amendment to add in the 16th line, 1st section, after the words "Pea River", "also that part of the north half of township 12, range 25, east of Pea River"; and in the 17th line, same section, strike out "twenty-six" before the word "township", and insert "twelve"; and strike out "twelve" where it occurs in the same line, and insert "twenty-six".

Mr. Bethea moved to postpone the further consideration of the report until Monday next, and make it the special order of that day, at 12 M. Lost.

Mr. Manasco moved to amend by postponing until first Monday in December next ;

Lost.

Mr. Bethea moved to refer the bill to a select committee, composed of the delegation from Macon, Montgomery, Pike and Barbour counties, from which territory will be taken, and report by Tuesday next ;

Lost.

Pending the concurrence in the report of the committee, the hour of 12 m, having arrived, the further consideration was postponed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize the estate of Samuel Pickens to be kept together by the administrator ;

To authorize the probate judge of Tuscaloosa county to grant an order to the administrator of A. B. Dearing to sell real estate of said deceased ;

To incorporate the Selma and Tuscaloosa Telegraph Company ;

To authorize Edgar G. Dawson, a citizen of the State of Georgia, to execute the will of Mrs. Eliza Terrell, in accordance with the request contained in said will ;

To incorporate the North Port Wharf Company ;

To amend the act to continue and to complete the collection of the records of Alabama soldiers in the late war ;

To authorize the Secretary of State to issue a patent to George Brown, of Marion county, for certain lands therein described ;

To repeal section 8, 9 and 10, and to amend section 11, of an act to establish the Canebrake Agricultural District, to provide for the securing of the same, and the management of its affairs ;

To incorporate the town of Livingston, in Sumter county,

The Senate has amended the resolution of the House proposing that the General Assembly take a recess, to begin on the 30th instant, and meet again on the 15th of January, by striking out the "30th instant" and inserting the "7th December next", and, as amended, has adopted the same.

The Senate concurs in the resolution of the House proposing the appointment of a joint committee to consider and enquire into what retrenchments of the expenses of the State govern-

ment can be made, with leave to report by bill or otherwise.

Messrs. Moren, Ashley and Garrett, are the committee on the part of the Senate.

The Senate has adopted the following resolution :

Resolved, (the House concurring) That a committee of three physicians be appointed by the Senate, to act with a like committee on the part of the House, to examine the specimens of artificial limbs now in the Executive Chamber, and determine which is the best form to be furnished by the State to maimed soldiers ;

Messrs. Foster, Moren and Sykes are the Senate committee.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared within the hall of the House of Representatives, and the two Houses, in joint convention, pursuant to adjournment, continued the election of Secretary of State.

Mr. Garrett of the Senate, withdrew the name of Mr. Robert T. Clark.

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Drake, Forney, Gage, Jackson of Morgan, Montgomery, Norwood, Stansel, and Woodliff, of the Senate ; and Messrs. Ash, Borden, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCain, Padgett, Pierce, Plowman, Seawell, Smith of Jackson, and Williams of Jackson, of the House—30.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, and Mitchell of the Senate ; and Messrs. Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Echols, Edwards, Frazer, Lanier, Manasco, McCoy of Russell, Moore, Owens, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Whitfield, and Worthy, of the House—30.

Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale, Powell of Macon, Winston, and Wood, of the Senate ; and Messrs. Ashford, Bourland, Clark of Lawrence, Clark of Mobile, Cotten, Davis of Barbour, Faulk, Freeman, Gibson, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Palmer, Pipkin, Potter, Raisler, Richardson, Sheffield, Thorn, Tompkins, Waller, and Wilhite, of the House—30.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Garrett, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate ; Messrs. Speaker, Brandon, Caffey, Connelly, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Lawrence of Cherokee, Lawrence

of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Smith of Choctaw, Thrasher, Vansandt, Warren of DeKalb, and Williams of Randolph—32.

Neither of the candidates having received a majority of all the votes cast,

The convention proceeded to the

SECOND BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Drake, Forney, Gage, Garrett, Jackson of Morgan, Montgomery, Norwood, Stansel, Wood and Woodliff, of the Senate; Messrs. Ash, Ashford, Borden, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Seawell, Smith of Jackson, and Williams of Jackson—32.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell and Powell of Macon, of the Senate; Messrs. Bethea, Callaway, Chapman, Crenshaw, Culver, Echols, Frazer, Lanier, Manasco, McCoy of Russell, Owens, Palmer, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Whitfield and Worthy of the House—30.

Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale and Winston of the Senate; and Messrs. Bankhead, Bourland, Clark of Lawrence, Clark of Mobile, Cotten, Davis of Barbour, Faulk, Freeman, Gibson, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Raisler, Richardson, Sheffield, Thorn, Waller and Willite, of the House—24.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate; and Messrs. Speaker, Brandon, Caffey, Connelly, Cox, Davis of Bibb, Dobson, Doster, Edwards, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Smith of Choctaw, Steadham, Thrasher, Vansandt, Warren of DeKalb and Williams of Randolph, of the House—34.

Neither of the candidates having received a majority of the votes cast, the convention proceeded to the

THIRD BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Deason, Gage, Jackson of Morgan, Kilpatrick, Montgomery, Norwood, Powell of Macon, Slaughter, Stansel, Wood and Woodliff of the Senate; and Messrs. Ash, Ashford, Borden, Brandon, Bush, Hand, Hardie, Hawthorne, Henry, Lawrence of Fayette, Ledbetter, Leeper, Mabry, McBee, McCann, Oliver, Padgett, Plowman, Seawell, Smith of Jackson and Williams of Jackson of the House—33.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Lindsay and Mitchell, of the Senate; and Messrs. Bethea, Callaway, Chapman, Craig, Crenshaw, Frazer, Gafford, Lanier, Manasco, McCoy of Russell, Meadors, Moore, Owens, Palmer, Pipkin, Robinson of Baldwin, Savage, Smith of Choctaw, Stringer, Waller, Whitfield and Worthy—28.

—Those who voted for Mr. Dalton are—

Messrs. Cooper, Jackson of Lauderdale, and Winston of the Senate; Messrs. Bourland, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Freeman, Goodwin, Grant, Humphrey, McKinstry, McJester, Potter, Sheffield, Thorn, Tompkins and Williams of Randolph, of the House—19.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa, and Sykes, of the Senate; Messrs. Speaker, Caffey, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Echols, Gibson, Goldthwaite, Judkins, Lawrence of Cherokee, Lindsey, Malone, Malloy, Odum, Steadham, Thrasher and Warren of the House—26.

Those who voted for Mr. Clarke are—

Messrs. Drake, Forney and Garrett, of the Senate; Messrs. Bankhead, Cox, Craig, Edwards, Ellis, Faulk, McCain, McCoy of Tallapoosa, Raisler, Richardson, Sturdivant, Vansandt, White and Younge, of the House—17.

Neither of the candidates having received a majority of all the votes cast,

The Convention proceeded to the

FOURTH BALLOT,

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Huckabee, Jackson of Morgan, Montgomery, Norwood, Stansel, Wood and Woodliff of the Senate; Messrs. Ash, Borden, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Seawell, Smith of Jackson and Williams of Jackson, of the House—32.

Those who voted for Mr. Brittan are—

Messrs. Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell, Powell of Macon, Powell of Tuscaloosa, Slaughter, Stansel, Sykes, Winston, Wood and Woodliff, of the Senate; Messrs. Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Echols, Lanier, Manasco, McCoy of Russell, Moore, Owens, Palmer, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Whitfield and Worthy, of the House—28.

Those who voted for Mr. Dalton are—

Messrs. Ashley, Boykin, Jackson of Lawrence and Winston, of the Senate; Messrs. Ashford, Bourland, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Faulk, Freizer, Freeman, Gibson, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Pierce, Potter, Raisler, Richardson, Sheffield, Thorn, Tompkins, Waller and Wilhite, of the House—28.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Garrett, Powell of Tuscaloosa and Sykes, of the Senate; Messrs. Barker, Brandon, Caffey, Connelly, Cotten, Cox, Davis of Baldwin, Dobson, Doster, Edwards, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Smith of Choctaw, Steadham, Thrasher, Vansandt, Warren of Alabama and Williams of Randolph, of the House—35.

Neither of the candidates having received a majority of all the votes cast, the Convention proceeded to the

FIFTH BALLOT.

Those who voted for Mr. Taul are :

Messrs. Barnes, Cooper, Deason, Dyer, Forney, Gage, Montgomery, Norwood, Stansel and Woodliff, of the Senate; Messrs. Ash, Borden, Bush, Craig, Ellis, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Maloy, McBee, McCann, Palmer, Padgett, Plowman, Richardson, Russell, Smith of Jackson, Waller and Williams of Jackson, of the House—32.

Those who voted for Mr. Brittan are :

Messrs. Boykin, Castens, Edwards, Campbell, Jackson of Morgan, Jones, Kilpatrick, Lindsay, Mitchell, Powell of Macon, Wood and Woodliff, of the Senate; Bankhead, Bethea, Brandon, Callaway, Crenshaw, Culver, Faulk, Freizer, Gibson, Lanier, Manasco, McCoy of Russell, Moore, Owens, Pipkin, Potter, Robinson of Baldwin, Robinson of Chambers, Savage, Smith

of Choctaw, Stringer, Sturdivant, Tompkins, Whitfield and Worthy, of the House—36.

Those who voted for Mr. Dalton are—

Messrs. Ashley, Deason, Jackson of Lauderdale and Winston, of the Senate ; Messrs. Ashford, Bourland, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Freeman, Goodwin, Humphrey, McAlexander, McKinstry, McLester, Pierce, Raisler, Sheffield, Thorn, Williams of Randolph and Wilhite, of the House—20.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee and Sykes, of the Senate ; Messrs. Speaker, Caffey, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Echols, Edwards, Goldthwaite, Grant, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Steadham, Thrasher, Vansandt, and Warren of DeKalb, of the House—34.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

SIXTH BALLOT.

Those who voted for Mr. Tabl are—

Messrs. Barnes, Deason, Drake, Forney, Gage, Garrett, Jackson of Morgan, Montgomery, Norwood, Powell of Macon, Stansel, Sykes and Woodliff, of the Senate ; Messrs. Ash, Borden, Bush, Craig, Ellis, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Seawell, Smith of Jackson, Waller, and Williams of Randolph, of the House—32.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Edwards, Jones, Kilpatrick, Lindsay, Mitchell and Wood, of the Senate ; Messrs. Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gibson, Lanier, Manasco, McCoy of Russell, Moore, Owens, Palmer, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Whitfield and Worthy, of the House—34.

Those who voted for Mr. Dalton are—

Messrs. Ashford, Bourland, Clark of Lawrence, Clark of Mobile, Cotten, Freeman, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Raisler, Richardson, Sheffield, Thorn, Williams of Randolph, and Wilhite, of the House—20.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee and Pow-

ell of Tuscaloosa, of the Senate; Messrs. Speaker, Brandon, Caffey, Connelly, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Potter, Smith of Choctaw, Steadham, Thrasher, Vansandt, and Warren of DeKalb, of the House—32.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

SEVENTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Jackson of Morgan, Montgomery, Norwood, Stansel, Wood and Woodliff, of the Senate; Messrs. Ash, Borden, Bush, Craig, Ellis, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Pierce, Plowman, Seawell, Smith of Jackson, Waller, and Williams of Jackson, of the House—33.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay and Mitchell, of the Senate; Messrs. Ashford, Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gibson, Lanier, Manasco, McCoy of Russell, Moore, Owens, Palmer, Pipkin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Whitfield and Worthy, of the House—34.

Those who voted for Mr. Dalton are—

Mr. Jackson of Lauderdale, of the Senate; Messrs. Bourland, Clark of Lawrence, Clark of Mobile, Freeman, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Raiser, Richardson, Sheffield, Thorn. Williams of Randolph, and Wilhite, of the House—17.

Those who voted for Mr. Ogbourne are—

Messrs. President, Felder, Foster, Huckabee, Powell of M., Powell of T., and Sykes, of the Senate; and Messrs. Speaker, Brandon, Caffey, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsay, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Potter, Smith of Choctaw, Thrasher, Tompkins and Vansandt, of the House—33.

Neither of the candidates having received a majority of all

the votes cast, Mr. Vansandt, of the House, moved to adjourn until 1 1/2 o'clock, Monday ;

Which was lost.

The convention then proceeded to the

EIGHTH BALLOT,

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Jackson of Morgan, Montgomery, Norwood, Stansel and Woodliff, of the Senate; and Messrs. Ash, Ashford, Borden, Brandon, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Potter, Seawell, Smith of Jackson, Waller and Williams of Jackson, of the House—35.

Those who voted for Mr. Brittan are—

Messrs. Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsey, Mitchell and Powell of Macon, of the Senate; and Messrs. Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gibson, Lanier, Manasco, McCoy of Russell, Owens, Palmer, Pierce, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Whitfield and Worthy, of the House—34.

Those who voted for Mr. Dalton are—

Mr. Jackson of Lauderdale, of the Senate; Messrs. Bourland, Clark of Lawrence, Clark of Mobile, Freeman, Goodwin, Grant, Humphrey, McAlexander, McKinstry, McLester, Raisler, Sheffield, Thorn, Williams of Randolph, and Wilhite, of the House—16.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, and Powell of Tuscaloosa, of the Senate; Messrs. Speaker, Caffey, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Richardson, Smith of Choctaw, Thrasher, Vansandt, and Warren of DeKalb, of the House—31.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

NINTH BALLOT,

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Jackson of Morgan, Montgomery, Norwood, Stansel and

Woodliff, of the Senate ; Messrs. Ash, Ashford, Borden, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, Padgett, Plowman, Seawell, Smith of Jackson, Waller, and Williams of Jackson, of the House—33.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell and Powell of Macon, of the Senate ; Messrs. Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Faulk, Goodwin, Judkins, Lanier, Manasco, McCoy of Russell, Morse, Owens, Palmer, Pierce, Pipkin, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Whitfield and Worthy, of the House—36.

Those who voted for Mr. Dalton are—

Messrs. Jackson of Lauderdale and Winston, of the Senate ; Messrs. Gourland, Freeman, Grant, Humphrey, McAlexander, McKinstry, McLester, Raisler, Sheffield, Thorn, Williams of Randolph and Wilhite, of the House—14.

Those who voted for Mr. Ogbourne are :

Messrs. President, Bell, Foster, Huckabee, Powell of Tuscaloosa and Wood, of the Senate ; Messrs. Speaker, Brandon, Connelly, Cox, Davis of Bibb, Dobson, Doster, Echols, Goldthwaite, Lawrence of Cherokee, Lawrence of Fayette, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Owens, Potter, Smith of Choctaw, Thrasher, Vansandt and Warren of DeKalb, of the House—33.

Neither of the candidates having received a majority of all the votes cast,

Mr. Powell of the Senate, of Tuscaloosa, moved to adjourn until Monday, 12 m.

Lost.

Mr. Clarke of Mobile, withdrew the name of Mr. Dalton. The Convention then proceeded to the

TENTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Norwood, Stansel and Woodliff, of the Senate ; Messrs. Ash, Ashford, Bankhead, Borden, Bush, Clark of Mobile, Craig, Ellis, Freeman, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, McLester, Padgett, Plowman, Rich-

ardson, Seawell, Sheffield, Smith of Jackson, Thorn, Waller and Williams of Jackson, of the House—40.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell, Powell of Macon, and Wood, of the Senate; Messrs. Bethea, Callaway, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gibson, Goodwin, Humphrey, Lanier, Manasco, McAlexander, McCoy of Russell, McMillan, Morse, Owens, Palmer, Pierce, Pipkin, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Whitfield and Worthy, of the House—40.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of T., Sykes, Winston, of the Senate; Messrs. Speaker, Bourland, Brandon, Caffey, Clark of Lawrence, Connelly, Cotten, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Grant, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Malone, Malloy, McCain, McCoy of Tallapoosa, McKinstry, Morse, Odum, Oliver, Pötter, Smith of Choctaw, Steadham, Thrasher, Tompkins, Vansandt, Warren of DeKalb, Williams of Randolph, and Wilhite, of the House—42.

Neither of the candidates having received a majority of all the votes cast, Mr. Drake, of the Senate, moved to adjourn till Monday, 12 o'clock m.

Lost.

The Convention then proceeded to the

ELEVENTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Norwood, Powell of Macon, Stansel, Winston and Woodliff, of the Senate; and Messrs. Ash, Borden, Bush, Clark of Mobile, Craig, Ellis, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, McLester, Padgett, Plowman, Seawell, Sheffield, Smith of Jackson, Thorn, Waller and Williams of Jackson, of the House—38.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell and Wood, of the Senate; and Messrs. Ashford, Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Davis, of Barbour, Echols, Faulk, Frazer, Freeman, Goodwin, Grant, Humphrey, Lanier, Manasco, McCoy of Russell, McMillan, Owens, Palmer, Pierce, Pipkin, Raisler, Rich-

ardson, Robinson of Baldwin, Robinson of Chambers, Savage, Stringer, Sturdivant, Thrasher, Tompkins, Whithfield and Worthy, of the House—43.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Huckabee, Powell of Tuscaloosa and Sykes, of the Senate; and Messrs. Speaker, Bourland, Brandon, Caffey, Clark of Lawrence, Cotten, Cox, Davis of Bibb, Dobson, Doster, Goldthwaite, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, McKinstry, Morse, Oliver, Potter, Smith of Choctaw, Steadham, Thrasher, Vansandt, Warren of DeKalb, Williams of Randolph and Wilhite, of the House—57.

Neither of the candidates having received a majority of all the votes cast,

On motion of Mr. Smith of Choctaw, the convention adjourned till 12 o'clock, m., Monday, and the Senate retired.

On motion of Mr. Gibson,

The House adjourned till Monday, 10 o'clock, a. m.

MONDAY, November 26.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Callaway.

Journal of the 24th instant read and approved.

By leave, Mr. Bethea introduced a bill to exempt certain real and personal property from levy and sale by any legal process;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Bethea, the further consideration of the bill was postponed till Monday next, and made the special order for the hour of 11 o'clock A. M., and one hundred and thirty-three copies were ordered to be printed.

Mr. McKinstry, from the joint committee on the Revised Code, reported a bill in relation to the competency of witnesses;

Which was read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Message from His Excellency the Governor :

EXECUTIVE DEPARTMENT, }
 NOVEMBER 26, 1866. }

Mr. Speaker :

I am instructed by the Governor to inform the House of Representatives, that on the 24th instant, he approved bills which originated in the House, of the following titles :

An act to authorize the mayor and aldermen of the city of Huntsville to issue bonds ;

An act to regulate the time of holding the circuit court in the county of St. Clair ;

An act to add a section to the charter of the city of Demopolis ;

An act for the relief of Pierce L. Lewis, Canty W. Pitts and William H. Harris, of Russell county ;

An act to regulate the fees of jurors and witnesses in the county of Chambers ;

An act to remove the administration of the estate of John Kelly from Wilcox to Marengo county ;

An act to protect the owners of stock in the county of Washington ;

An act allowing additional compensation to jurors in the county of Winston ;

An act to amend the charter of the city of Huntsville ;

An act for the relief of Montgomery P. Kennon and Carlos Reese, Jr. ;

An act to give the probate court of the county of Washington jurisdiction of the settlement of the estate of Thomas Buford ;

An act to authorize compensation to the owners of property in the city of Mobile, where new streets are made, or any alterations, repairs, improvements or amendments to any street are made ;

An act to repeal section 1st of an act entitled an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, and for other purposes, so far as it applies to the county of Autauga ;

An act to fix the time of holding the commissioners court of the county of Marengo ;

An act to authorize the court of the county commissioners of Tuscaloosa county to levy a special tax ;

An act to increase the fees of grand and petit jurors in the county of Marion ;

An act to repeal an act entitled an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike and Coffee, so far as it relates to the county of Autauga ;

An act to amend an act entitled an act to prohibit the sale of spirituous or vinous liquors within three miles of St. Andrews Chapel, in the county of Washington ;

An act to regulate the fees of the office of bailiff, in the county of Tallapoosa ;

An act to regulate the practice in criminal cases ;

An act to incorporate the Mobile, New Orleans and Chattanooga Railroad Company.

Very respectfully,

Your obedient servant,

BEN. H. SCREWS,

Priv. Sec'ry.

SENATE, November 26.

Mr. Speaker:

The Senate has originated and passed the following bills :

For the relief of Moses White, administrator of the estate of George R. Lybrook, of the county of Lauderdale ;

To authorize the Cahaba, Marion and Greensboro Railroad Company to increase their capital stock, and extend their road ;

To authorize the directors of the North-west Railroad Company to transfer the property, rights and privileges of said company to the Cahaba, Marion and Greensboro Railroad Company ;

To provide for the trial of causes in which circuit judges or chancellors are incompetent to preside ;

To amend section 1966 of the Code ;

To regulate the issuance and return of executions from the county courts ;

To amend an act relating to county surveyors and treasurers in the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker, as therein shown.

The Senate passed the following House bills :

To amend an act entitled an act to regulate judicial proceedings. approved February 20, 1866.

To incorporate the Opelika Cemetery ;

To grant right of way to the Stone Street Railroad in Mobile county ;

To authorize the administrators of W. H. Hiblin, deceased, to rent the lands of said estate.

MICAH TAUL, Secretary.

The report of the Committee on County Boundaries in rela-

tion to forming a new county from portions of Macon, Montgomery, Pike and Barbour, to be called the county of Bullock, was taken up, and pending the discussion, the hour of 12 m. having arrived, the further consideration of the report was postponed.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared in the hall of the House of Representatives, and the two Houses, in joint convention, pursuant to adjournment, continued the election of the Secretary of State.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Moren, Norwood, Stansel and Woodliff, of the Senate; Messrs. Ash, Ashford, Borden, Bourland, Brandon, Bush, Craig, Ellis, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, McKinstry, McLester, Padgett, Pierce, Plowman, Richardson, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Tompkins, Waller and Williams of Jackson, of the House—48.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Edwards, Jones, Kilpatrick, Lindsay, Mitchell, and Powell of Macon, of the Senate; Messrs. Bankhead, Bethea, Callaway, Chapman, Cotten, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gafford, Gibson, Humphrey, Lanier, Manasco, McAlexander, McCoy of Russell, McMillan, Morse, Owens, Palmer, Pipkin, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Whitfield and Worthy, of the House—39.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Powell of Tuscaloosa, Sykes, and Wood of the Senate; Messrs. Speaker, Caffey, Clark of Lawrence, Connelly, Davis of Bibb, Dobson, Doster, Freeman, Goldthwaite, Lawrence of Cherokee, Lawrence of Fayette, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Potter, Smith of Choctaw, Thrasher, Vansandt, Walker, Warren of DeKalb, Williams of Randolph and Wilhite, of the House—31.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

SECOND BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Mont-

gomery, Moren, Norwood, Stansel, Winston, Wood and Woodliff, of the Senate ; Messrs. Ash, Borden, Bourland, Brandon, Bush, Craig, Ellis, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, McCoy of Tallapoosa, McLester, Padgett, Pierce, Plowman, Potter, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Waller and Williams of Jackson, of the House—46.

Those who voted for Mr. Brittain are—

Messrs. Ashley, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell, and Powell of Macon, of the Senate ; Messrs. Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gafford, Goodwin, Humphrey, Lanier, Manasco, McAlexander, McCoy of Russell, McMillan, Morse, Owens, Palmer, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Whitfield, and Worthy, of the House—39.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Powell of Tuscaloosa, and Sykes, of the Senate ; Messrs. Speaker, Ashford, Bankhead, Caffey, Clark of Lawrence, Connelly, Davis of Bibb, Dobson, Doster, Freeman, Gibson, Goldthwaite, Grant, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, Morse, Odum, Oliver, Thrasher, Vansandt, Walker, Warren of DeKalb, Williams of Randolph and Wilhite, of the House—35.

Neither of the candidates having received a majority of all the votes cast ;

Mr. Lindsay of the Senate moved to adjourn until 12 o'clock to-morrow ;

Which was lost.

Mr. Powell of the Senate moved to adjourn until 3 1-2 o'clock this evening ;

Which was lost.

The Convention then proceeded to the

THIRD BALLOT.

Those who voted for Mr. Taul are—

Messrs. Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Norwood, Stansel, Winston, Wood, and Woodliff, of the Senate ; Messrs. Ash, Ashford, Borden, Bourland, Brandon, Bush, Ellis, Goodwin, Hand, Hardie, Hawthorne, Henry, Lawrence of Fayette, Ledbetter, Leeper, Mabry, McBee, McCann, McLester, Padgett, Pierce, Plowman,

Potter, Seawell, Sheffield, Smith of Jackson, Thorn, Waller, and Williams of Jackson, of the House—46.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsey, Mitchell and Powell of Macon, of the Senate; Messrs. Bankhead, Bethea, Calloway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Freeman, Gafford, Grant, Humphrey, Manasco, McAlexander, McCoy of Russell, McKinstry, McMillan, Moore, Owens, Palmer, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Tompkins, Whitfield and Worthy, of the House—42.

Those who voted for Mr. Ogbourne are—

Messrs. President, Bell, Felder, Foster, Powell of Tuscaloosa, and Sykes, of the Senate; Messrs. Speaker, Caffey, Clark of Lawrence, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Gibson, Goldthwaite, Lawrence of Cherokee, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Oliver, Raisler, Richardson, Smith of Choctaw, Thrasher, Vansandt, Walker, Williams of Randolph, and Wilhite, of the House—33.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to a

FOURTH BALLOT.

Those who voted for Mr. Taul are :

Messrs. President, Barnes, Cooper, Deason, Drake, Forney, Gage, Garrett, Huckabee, Jackson of Laud'le, Jackson of Morgan, Montgomery, Moren, Norwood, Powell of Macon, Stansel, Sykes, Winston, Wood and Woodliff, of the Senate; Messrs. Ash, Ashford, Borden, Bourland, Brandon, Bush, Craig, Ellis, Freeman, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Ledbetter, Leeper, Mabry, McBee, McCann, McLester, Padgett, Pierce, Plowman, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Waller and Williams of Jackson, of the House—51.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Bell, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay and Mitchell, of the Senate; and Messrs. Bankhead, Bethea, Callaway, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Humphrey, Lanier, Manasco, McAlexander, McCoy of Russell, McKinstry, McMillan, Moore, Owens, Palmer, Pipkin, Raisler,

Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Whitfield and Worthy, of the House—39.

Those who voted for Mr. Ogbourne are—

Messrs. Felder, Foster and Powell of T., of the Senate; and Messrs. Speaker, Caffey, Clark of Lawrence, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McCain, McCoy of Tallapoosa, Morse, Odum, Richardson, Smith of Choctaw, Thrasher, Tompkins, Vanzandt, Walker, Williams of Randolph and Wilhite, of the House—28.

Neither of the candidates having received a majority of all the votes cast, the convention proceeded to the

FIFTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. President, Cooper, Deason, Drake, Forney, Gage Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Norwood, Stansel, Sykes, Winston, Wood and Woodliff, of the Senate; and Messrs. Ash, Borden, Bourland, Brandon, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Lawrence of Fayette, Ledbetter, Leeper, Mabry, McBee, McCain, McCann, McKinstry, McLester, Padgett, Pierce, Plowman, Pötter, Raisler, Seawell, Smith of Jackson, Thorn, Vansandt, Waller and Williams of Jackson, of the House—49.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Bell, Boykin, Castens, Edwards, Jones, Kilpatrick, Lindsay, Mitchell and Powell of Macon, of the Senate; Messrs. Bankhead, Bethea, Callaway, Chapman, Crenshaw, Culver, Davis of Barbour, Echols, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Humphrey, Lanier, Manasco, McAlexander, McCoy of Russell, McMillan, Moore, Palmer, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Steadham, Stringer, Sturdivant, Tompkins, Whitfield and Worthy, of the House—42.

Those who voted for Mr. Ogbourne are—

Messrs. Felder, Foster, and Powell of Tuscaloosa, of the Senate; Messrs. Speaker, Caffey, Connelly, Cotten, Davis of Bibb, Dobson, Doster, Freeman, Grant, Lawrence of Cherokee, Lindsey, Malloy, McCoy of Tallapoosa, Morse, Odum, Smith of Choctaw, Thrasher, Walker, Warren of DeKalb, Williams of Jackson and Wilhite, of the House—27.

Neither of the candidates having received a majority of all the votes cast,

Mr. Foster, of the Senate, withdrew the name of Mr. Ogbourne.

Mr. Goodwin, of the House, put in nomination the name of Mr. Dalton.

The convention proceeded to the

SIXTH BALLOT.

Those who voted for Mr. Taul are

Messrs. President, Barnes, Cooper, Deason, Drake, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Morgan, Montgomery, Moren, Norwood, Powell of Tuscaloosa, Stansel, Sykes, Wood and Woodliff, of the Senate; Messrs. Speaker, Ash, Borden, Bourland, Brandon, Bush, Craig, Ellis, Hand, Hardie, Hawthorne, Henry, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, McBee, McCain, McCann, McLester, Odum, Padgett, Pierce, Plowman, Potter, Seawell, Smith of Jackson, Sturdivant, Thorn, Vansandt, Waller and Williams of Jackson, of the House—53.

Those who voted for Mr. Brittan are—

Messrs. Bell, Castens, Edwards, Felder, Jones, Kilpatrick, Lindsay, Mitchell, and Powell of Macon, of the Senate; and Messrs. Bankhead, Bethea, Caffey, Callaway, Chapman, Culver, Doster, Echols, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Humphrey, Lanier, Manasco, McCoy of Russell, McCoy of Tallapoosa, McMillan, Moore, Morse, Owens, Palmer, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Thrasher, Walker, Whitfield, and Worthy, of the House—41.

Those who voted for Mr. Dalton are—

Messrs. Ashley, and Jackson of Lauderdale, of the Senate; and Messrs. Clark of Lawrence, Connelly, Cotten, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Goodwin, Grant, Malloy, McAlexander, McKinsty, Raisler, Richardson, Sheffield, Tompkins, and Wilhite, of the House—19.

Neither of the candidates having received a majority of all the votes cast,

Mr. Goodwin of the House withdrew the name of Mr. Dalton.

The convention then proceeded to a

SEVENTH BALLOT.

Those who voted for Mr. Taul are—

Messrs. President, Barnes, Cooper, Deason, Drake, Forney, Foster, Gage, Garrett, Huckabee, Jackson of Lauderdale, Jackson of Morgan, Montgomery, Moren, Norwood, Powell of Tuscaloosa, Sykes, Winston, Wood, and Woodliff, of the Senate; and Messrs. Speaker, Ash, Ashford, Borden, Bourland, Brandon, Bush, Clark of Lawrence, Craig, Ellis, Freeman, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Malloy, McBee, McCain, McCann, McKinstry, McLester, Odum, Padgett, Pierce, Plowman, Potter, Richardson, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Tompkins, Vansandt, Waller, and Williams of Jackson, of the House—65.

Those who voted for Mr. Brittan are—

Messrs. Ashley, Bell, Boykin, Castens, Edwards, Felder, Jones, Kilpatrick, Lindsay, Mitchell, and Powell of Macon, of the Senate;

Messrs. Bankhead, Bethea, Caffey, Callaway, Chapman, Cotten, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Humphrey, Lanier, Ledbetter, Lindsey, Manasco, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McMillan, Moore, Morse, Owens, Palmer, Pipkin, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Steadham, Stringer, Thrasher, Walker, Whitfield, Williams of Randolph, Wilhite and Worthy, of the House—54.

Mr. Taul having received a majority of all the votes cast, was declared by the Speaker to be duly and constitutionally elected Secretary of State for the time prescribed by law.

The House resolution proposing that the General Assembly take a recess, to begin on the 30th inst., and meet again on the 15th of January, with the Senate amendment to strike out the 30th inst., and insert 7th of December, was taken up, and the Senate amendment concurred in. Yeas, 57; nays, 33.

YEAS — Messrs. Speaker, Ash, Bankhead, Borden, Brandon, Bush, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Bibb, Dobson, Dobson, Doster, Echols, Ellis, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Humphrey, Lawrence of Fayette, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McCann, McLester, Moore, Morse, Oliver, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph and Wilhite.—57.

NAYS—Messrs. Ashford, Bethea, Bourland, Caffey, Callaway, Chapman, Clark of Lawrence, Craig, Davis of Barbour, Freeman, Grant, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Ledbetter, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McKinstry, Odum, Palmer, Padgett, Pierce, Robinson of Baldwin, Seawell, Smith of Jackson, Tompkins, Vansandt, Walker, Waller and Worthy.—33.

On motion of Mr. Borden, the regular business was suspended to take up the joint resolution of the Senate, to appoint a joint committee of three from each House, to examine the artificial limbs on exhibition in the executive chamber ;

Resolution adopted, and Messrs. Mabry, Moore and McAlexander are the committee on the part of the House.

Mr. Whitfield, from the Committee on Ways and Means, reported favorably to the Senate bill—

To repeal sections 104, 105 and 106 of an act entitled an act to establish revenue laws of the State of Alabama, and to remit the penalty incurred therein.

Mr. Gibson moved to amend by striking out section 105 ;
Adopted.

The bill was then read the third time, under the suspension of the constitutional rule and passed.

Mr. Mabry, by leave, introduced a bill—

To authorize the lessees of the penitentiary to employ convicts outside the walls ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Penitentiary and State Capitol.

On motion of Mr. Hawthorne, the Senate bill—

To incorporate the Wilcox Monumental Association was taken up, and read the first, second and third times, under the suspension of the constitutional rule, and passed.

On motion of Mr. Hawthorne,

The House adjourned till to-morrow 10 o'clock, a. m.

TUESDAY, November 27.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Potter.

Journal of yesterday read and approved.

Mr. Whitfield moved to rescind the resolution by which the call of counties had been suspended, for the reception of reports from standing committees, which was adopted, and the Speaker proceeded with the

CALL OF THE COUNTIES.

Bills were introduced by Mr. Doster to exempt cotton factories from taxation for a time therein stated ;

Mr. Robinson of Baldwin, to compensate judges of probate for collection of revenue from licenses and other causes ;

Mr. Robinson of Baldwin, to levy a tax on flat-bottom sail boats used exclusively for transportation of lumber ;

Mr. Robinson of Chambers, to amend section 11 of an act to establish revenue laws of the State of Alabama, approved February 22, 1866 ;

Mr. Padgett, to require probate judges to make quarterly settlements with the county treasurer ;

Mr. Frazer, to authorize Zachariah Rogers, of Macon county, to peddle without license ;

Mr. McMillan, to amend paragraph 5th, section 4, chapter 1st, of an act to establish revenue laws of the State of Alabama, approved February 22, 1866 ;

Mr. Williams of Randolph, for the relief of Thomas J. East, of Randolph county ;

Mr. McCoy of Russell, for the relief of Felix G. Hubbard, of Russell county ;

Mr. Thrasher, for the relief of John H. Sanford, of Tallapoosa county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means

Mr. Doster, to regulate interest in certain cases ;

Mr. Doster, for the redemption of property sold under process of court ;

Mr. Robinson of Baldwin, to authorize the commissioners of revenue of Baldwin county to make equitable settlements in certain cases ;

Mr. Crenshaw, to amend an act entitled an act to regulate judicial proceedings, approved February 20th, 1866 ;

By the Speaker, (Mr. Gibson in the chair) authorizing courts of chancery and of probate to make equitable settlements with guardians ;

Also, a bill defining the duty of grand juries in cases of defaulting overseers of roads, &c. ;

Mr. Smith of Choctaw, to prevent the release of persons who violate the penal laws of this State ;

Mr. Smith of Choctaw, to repeal an act entitled an act to regulate proceedings before justices of the peace in cases of misdemeanors cognizable before them, approved Jan. 20, 1866 ;

Mr. Morse, requiring dockets to be kept of probate judges ;

Mr. Morse, to amend section 139 of the Code of Alabama ;

Also, a bill to exempt certain property therein named from levy and sale, for the use of every family in Washington county ;

Mr. Savage, to restrain creditors from power to sue in certain cases ;

Mr. Vansandt, to repeal sections 478, 777, 779 and 780 of the Penal Code of Alabama, and to amend the same ;

Also, a bill to amend the Penal Code of this State providing for the punishment of cases of barbarity in this State ;

Mr. Callaway, to form an additional district in the Southern Chancery Division ;

Mr. Craig, to incorporate the bar of Dallas county ;

Mr. Pierce, prohibiting judges from practicing law in certain cases ;

Also, a bill, prescribing the mode of giving notice of motions to enter satisfaction of judgments, or to set aside such judgments when any of the parties are non-residents ;

Mr. Sturdivant, to authorize tales jurors to be summoned to serve more than one day ;

Also, a bill to prevent trespasses on private property ;

Mr. Henry, to regulate the practice in the courts of this State ;

Mr. Worthy, to amend section 2721 of the Code ;

Mr. Thrasher, to exempt certain property for the use of any family in the county of Tallapoosa, from levy and sale ;

Which bill was severally read the first and second times, under the suspension of the constitutional rule and referred to the Committee on the Judiciary.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend section 728 of the Code ;

For the protection of Robert McIlvain as the administrator, with the will annexed, of Charles M. Sanford, deceased ;

To relieve the trustees of LaGrange College in Franklin county ;

To authorize the administrator of David Ward, deceased, to sell the real estate of said decedent at private sale ;

For the relief of the sheriff of Pickens county ;

And respectfully ask the concurrence of the House therein.

It has passed the following House bill :

To authorize the constructing of street railroads in the city of Selma.

M. TAUL, Secretary.

Bills were introduced by—

Mr. Potter, for the relief of Sam'l Henry of Cherokee county;

Mr. Savage, for the relief of W. W. McGorom, M. D., of Clarke county;

Mr. Callaway, for the relief of Daniel Carmichael;

Mr. Bush, for the relief of Champion Farris, late sheriff of Marshall county;

Mr. Kinstry, a bill to authorize the Governor to adjust and settle the claims of McClung & Jacques, for salt, against the State of Alabama;

Which was severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Vansandt, to determine who shall work the public roads in the State;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Callaway, to authorize the commissioners court of Dale county to issue treasury notes;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee Banks and Banking.

Mr. Cotten, to exempt certain property therein named from levy and sale for the use of every family in the county of Dale;

Also, a bill to regulate elections of commissioners of roads and revenue in Dale county;

Mr. Richardson, a bill for the relief of A. L. McKinney, sheriff of the county of Limestone;

Mr. Worthy, a petition from citizens of Perote and vicinity of Pike county, to repeal the law of incorporation so far as the sale of spirituous liquors is concerned;

Mr. Worthy, also a counter petition from citizens of Perote, Pike county;

Also, a bill to declare Elizabeth C. S. Brown, of Marion county, a free dealer;

Mr. McCoy, of Tallapoosa, a bill to authorize the commissioners' court of Tallapoosa county to issue treasury notes for purposes therein mentioned;

Also, a bill to regulate the election of county treasurer of the county of Tallapoosa ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Thrasher, a bill to make Sarah E. Fowler, of the county of Tallapoosa, a free dealer ;

Which was read the first and second times, under a suspension of the constitutional rule ;

Mr. Robinson of Chambers, moved to amend by adding the name of Martha Marable, of the county of Chambers ;

Which amendment was adopted, and the bill referred to the Committee on Local Legislation.

Mr. Craig, a bill to amend an act entitled an act to incorporate the town of Richmond, in Dallas county ;

Mr. Mabry, a bill to establish a new charter for the city of Selma ;

Mr. Tompkins, a bill to incorporate the Phoenix Insurance Company of Mobile ;

Mr. Thrasher, a bill to incorporate the town of Dadeville ;

Mr. Whitfield, a bill to amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior River, opposite the city of Tuscaloosa, approved Jan. 2, 1833 ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Goodwin, a bill to repeal the laws providing a Recording Secretary for the Governor, and to provide for the temporary employment of a secretary by the Governor ;

Mr. Freeman, a bill to reduce the pay of the officers and members of the General Assembly of Alabama ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Select Committee on Retrenchment.

Mr. Pierce, a bill for the relief of Joseph F. Fason, of Green county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Williams of Jackson, a bill to prevent the destruction of fish in the Tennessee River, in the county of Jackson ;

Mr. Moore, a bill for the relief of maimed indigent soldiers of Alabama ;

Which were severally read the first and second times, under

the suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

Mr. Bethea, a bill to secure to every family in the State of Alabama a homestead ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the select committee on the state of the country ;

Mr. Worthy, a bill to declare John Berry, a liner between the counties of Pike and Coffee, a citizen of Pike county, and to change the line between said counties ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Wilhite, a bill to provide for distributing supplies to the destitute ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Destitution and Supplies.

By leave, Mr. Sheffield offered the following resolution, which was adopted :

SECTION 1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (the Senate concurring,) That the thanks of the Senate be expressed to the citizens of Huntsville, Alabama, Nashville and Memphis, Tennessee, Louisville and Lexington, Kentucky, Cincinnati, Ohio, St. Louis and Hannibal, Missouri, Quincy and Cairo, Illinois, and the Ladies' Relief Associations, Baltimore, Missouri, Illinois, Kentucky, and other States, for the relief extended by them to the destitute poor of the State of Alabama, by the timely gifts of provisions and money to helpless women and children ; also to the railroads and steamboats, for transporting the same free of charge.*

SEC. 2. *Resolved, That the Governor present copies of these resolutions to the mayor of each of the cities, and to the principal officers of the Ladies' Associations.*

Mr. Robinson of Baldwin, a bill to regulate the practice in the circuit courts, in the counties of Washington and Baldwin ;

Mr. Pipkin, a bill to authorize the commissioners court of Barbour county to levy a tax for county purposes ;

Mr. Smith of Choctaw, a bill to prohibit the sale of ardent spirits, except for medical purposes, within three miles of the Male and Female Academy, at Pushmataha, in Choctaw county ;

Also, a bill to provide for the holding of two terms of the chancery court for the county of Choctaw, in each year ;

Mr. Moren, a bill for the relief of the executor of Robert Curtis, deceased, late of Choctaw county ;

Also, a bill concerning vagrants and vagrancy, in the county of Washington ;

Mr. Mabry, a bill to change the time for holding the circuit court of Dallas county ;

Also, a bill in relation to the protection of crops, within certain limits, of Dallas county ;

Also, a bill to secure the privacy of the grounds of the Alabama Insane Hospital ;

Mr. Malone, a bill to prohibit the sale of spirituous and intoxicating liquors within two miles of the academy and church near Alfred Collins, in DeKalb county ;

Also, a bill to authorize the sheriff of DeKalb county to discharge the duties of bailiff and constable in Lebanon beat No. 9, of said county ;

Mr. Pierce, a bill to authorize the removal of the administration of the estate of W. F. Fitts, deceased, from the county of Marengo to the county of Tuscaloosa ;

Mr. Odum, a bill to prohibit the sale of ardent spirits within certain bounds of Adoriam Church, in the county of Henry ;

Mr. Ashford, a bill to charter a turnpike or raised way in Lawrence county ;

Mr. Richardson, a bill in relation to the burnt, lost, or otherwise destroyed records and papers of the circuit, chancery, probate and commissioners court of Limestone county ;

Mr. Sheffield, a bill to regulate proceedings in courts of chancery in reference to estates of decedents ;

Mr. McKinstry, a bill to grant right of way to the Washington Avenue Railroad Company, and increase the capital of said company ;

Mr. Tompkins, a bill to amend the charter of the Protestant Orphan Asylum located in Mobile ;

Mr. Bethea, a bill to fix the time of holding courts in the second judicial circuits ;

Also, a bill to amend an act entitled an act to establish a criminal court for the county of Montgomery, with civil jurisdiction ;

Also, a bill to authorize Mrs. Mary Ann Taylor to rent or lease the estate of Jesse P. Taylor, deceased, by private contract ;

Mr. Freeman, a bill to amend an act entitled an act to prevent the destruction of fish in the Tennessee River ;

Mr. Seawell, a bill to repeal an act entitled an act to regu-

late the mode of selecting grand and petit jurors for the county of Perry ;

Mr. Lanier, a bill to extend the jurisdiction of the justices of the peace in Carrollton beat, Pickens county ;

Also, a bill to authorize T. H. Lake, guardian, to make certain investments for the benefit of the minor heirs of James Lake, deceased ;

Mr. Williams of Randolph, a bill to prevent trespass by camp hunters in Randolph county ;

Mr. Leeper, a bill for the relief of the poor of Shelby county ;

Mr. Whitfield, a bill to authorize the administrators of Daniel H. Avery, deceased, to retain decedent's interest in the firm of Leach & Avery ;

Which bills were severally read the first, second and third times under a suspension of the constitutional rule and passed.

Mr. Freeman, a bill to authorize the Secretary of State to furnish to probate judges of Morgan and Lawrence counties certain books destroyed during the war ;

Which was read the first, second and third times, under the suspension of the constitutional rule.

Mr. Lawrence of Fayette moved to amend by adding the county of Fayette ;

Mr. Winston moved to amend by adding the county of Winston ;

Which amendments were adopted ;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Seawell, a bill to authorize the court of county Commissioners of Perry county to issue bonds to build bridges, repair public buildings, and for other purposes ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Ashford moved to amend by adding the county of Lawrence ;

Amendment adopted ;

And the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Ledbetter, by leave, offered the following resolution, which was ordered to lie over one day :

Resolved, That this House, for the remainder of the session, meet at half past nine, a. m., adjourn at one, and meet at three o'clock, p. m.

On motion of Mr. Whitfield,

The House adjourned until 10 o'clock, a. m., to-morrow.

WEDNESDAY, November 28.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Barron.

Journal of yesterday read and approved.

Mr. Speaker announced that Mr. Williams of Randolph had been added to the Committee on Education, Mr. Oliver to the Committee on Destitution and Supplies, and Mr. McCain to the Committee on Internal Improvements.

Message from the Governor.

EXECUTIVE DEPARTMENT, }
November 28, 1866. }

Mr. Speaker :

I am directed by the Governor to inform the House of Representatives. that he this day approved bills, which originated in the House, of the following titles :

An act to enable the chancery court to decree directly to Julia Desha the estate coming to her under the will of her father, Robert Desha ;

An act to amend the revenue laws as to the county Autauga, and of the counties therein named ;

An act for the relief of Isaac Ross, of Macon county ;

An act to authorize the Mayor of the city of Mobile to take cognizance of and try cases of misdemeanor, and discharge the duties of justice of the peace ;

An act for the relief of Seaborn H. Holston, of Tallapoosa county ;

An act to authorize the voters in Beat No. 9, in Barbour county, to elect an additional constable.

Very respectfully,

BEN. H. SCREWS,
Private Secretary.

On motion of Mr. Sheffield, the call of the counties was suspended, to enable the committee on Destitution and Supplies, to make a report ;

Which resolution was amended, so as to allow other committees to report :

Mr. Sheffield, from the Committee on Destitution and Supplies, made the following report :

The committee to whom was referred the report of M. H. Cruikshank, commissioner, &c., for the supply of the destitute of the State, &c., have instructed me to submit the following report thereon: Your committee are satisfied that the said

commissioners has faithfully, energetically and efficiently discharged the duties with which you entrusted him, and that so far as the means placed under his control would extend, he has rendered efficient aid in relieving the wants of the destitute throughout the State, during the past year. When he entered upon the discharge of his duties, the General Government was issuing rations to 2251 whites and 1944 colored persons. Under his arrangement, with that of the Governor with General Swayne, arrangements were made, and the issue of rations was largely increased until it reached the maximum of supplies for 23,567 whites and 11,326 colored persons, and all those since the maturity of the crops. It has not been deemed necessary by the General Government to issue so large an amount of subsistence as formerly, yet they are still issuing supplies to 17,912 whites and 7,532 colored persons.

His report further shows that during the year ending the 31st day of September, the U. S. Government has issued 3,789,788 rations to the destitute of Alabama, at an aggregate cost of \$643,590 16. In addition to this, he has distributed of corn purchased by Gov. Patton, 19,223 sacks, and of supplies furnished by the Ladies Relief Society of Baltimore, by citizens of Lexington, Ky., and other places, 424 barrels of flour, 200 barrels of meal, 10 casks of bacon, 8 barrels of sugar, 8 sacks of coffee, 4 boxes of medicine, and \$3,000 in money. Now, all of which has been distributed to the several counties of the State, as near as practicable, in the proportion to their respective wants.

The existing arrangement between the Governor and Commissioner with the authorities of the U. S. Government, provide for the purchase of \$40,000 worth of corn and bacon per month to the close of the present year, to be distributed under the existing regulations. From the reports received from the various counties of this State, your committee are painfully and deeply impressed with the imperative necessity of providing adequate relief for our indigent and suffering poor during the year 1867; and especially as the issue of rations for distribution by the United States Government will be discontinued after the month of December next, while the destitution existing in our State will be even greater during the next than it has been during the present year.

Your committee cannot allow this occasion to pass without referring, in the most grateful terms, to the charitable munificence with which the General Government has, during the past year, contributed to the support of our suffering people. Unheard of suffering, widespread over our land, and perhaps

in many instances actual starvation of our people, has been averted by the munificent aid of a generous Government ; and your committee can but indulge the eager hope that in view of the great deficiency of subsistence which now exists in our State, and the alarming amount of destitution, which, in the nature of things, must exist during the next year, and the inability of our State Treasury to provide for the wants of our suffering people, that the liberality of the General Government will be still extended so as adequately to provide the necessary sustenance of the State of Alabama, during the year 1867.

We therefore respectfully and earnestly recommend that the Governor of the State, and the Commissioner for the State, be, and they are hereby instructed to memorialize the General Government for a continuance of the issue of subsistence to the indigent of this State, in amount adequate for their relief.

Your committee has instructed me to report the accompanying bill, and recommend its passage.

All of which is respectfully submitted.

JAMES L. SHEFFIELD,
Chairman.

The following is the bill accompanying the committee's report :

To relieve the destitute of this State for the year 1867 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee of one from each Judicial circuit :

Messrs. Sheffield of the --, McKinstry of --, Cox of --, Echols of --, Whitfield of --, and Manasco of the --.

Message from the Senate. .

Mr. Speaker :

The Senate has originated and passed the following bills :

To incorporate the Arbacoochee and North Alabama Gold Mining Company ;

For the relief of Allen H. Johnson and James G. Barnes, of Tuscaloosa county ;

To provide blank books for records in Conecuh, Fayette and Jackson counties ;

To destroy the cancelled bills or notes of the Bank of Selma, now or hereafter received in the office of the Comptroller of Public Accounts ;

To amend an act entitled an act to incorporate the Planters and Merchants Mutual Insurance Company of Mobile ;

To incorporate the Gold Ridge Mining company ;

To incorporate the Home Insurance company ;

To incorporate the Alabama Express company ;

For the relief of Reuben L. Sullivan, of Coosa county ;

To authorize Benjamin B. and Theophilus L. Fontaine, citizens of the State of Georgia, to qualify as executors on the estate of John Fontaine ;

To amend the charter of the Mobile Trade company ;

To incorporate the Chickasabogue Manufacturing company ;

To incorporate the Choctaw County Manufacturing company ;

For the relief of William C. Thomas, of Chambers county ;

To amend an act to incorporate the Citizens' Mutual Insurance company of Mobile ;

To incorporate the Occocoposa Manufacturing company.

The Senate concurs in the House amendment to its bill—

To repeal sections 104, 105 and 106 of an act to establish revenue laws of the State of Alabama, and to remit the penalties incurred therein.

The Senate has adopted the following resolution :

Resolved, That a joint committee of the two houses, to be composed of one from each Congressional district, and two from the State at large, be appointed to apportion Senators and Representatives and members to the Congress of the United States, among the several counties of this State, according to the census returns of 1866.

The Senate committee consists of the following :

Mr. Garret, from the third district ; Mr. Gage, from the first district ; Mr. Boykin, from the second district ; Mr. Huckabee, from the fourth district ; Mr. Drake, from the fifth district ; Mr. Jackson of Morgan, from the sixth district ; and Messrs. Ashley and Winston, for the State at large.

The Senate has passed the House bill—

To authorize the court of county commissioners of Marengo county to borrow twenty-five thousand dollars.

M. TAUL,
Secretary.

SPECIAL ORDERS.

The special order of the day, at the hour of 11 o'clock, being the bill, to exempt certain real and personal property from levy and sale by any legal process ;

Which was taken up, and on motion of Mr. Echols, was referred to the Committee on the Judiciary.

Yeas 64, nays 25.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brooks, Callaway, Chapman, Clark of Lawrence, Connelly, Cox, Craig, Culver, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hawthorne, Henry, Judkins, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCain, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Moore, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Robinson of Baldwin, Seawell, Smith of Choctaw, Smith of Jackson, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Randolph, Wilhite and Worthy—64.

NAYS—Messrs. Ashford, Bankhead, Béthea, Brandon, Bush, Caffey, Cotten, Crenshaw, Davis of Barbour, Freeman, Gafford, Humphrey, Ledbetter, McAlexander, McCoy of Tallapoosa, Morse, Odum, Plowman, Raisler, Robinson of Chambers, Sheffield, Steadham, Stringer, Thrasher and Williams of Jackson—25.

The House resumed the consideration of reports from standing committees, and the question before the House was the motion to adopt the amendments reported by the Committee on County Boundaries to the Senate bill—

To create a new county of portions of Macon, Montgomery, Pike and Barbour counties, to be called the county of Bullock;
Which amendments were adopted.

Mr. Bankhead moved to postpone the further consideration of the bill until the 16th of January next;

Which was lost.

Mr. McKinstry moved the previous question, which was to order the bill to be engrossed and read a third time to-morrow.
Carried.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Message from the Senate by Mr. Faul.

Mr. Speaker:

The Senate has passed the House bill—

To regulate Admiralty proceedings in the circuit and city courts of Mobile county.

M. TAUL,
Secretary.

Mr. Smith of Jackson, from the Committee on County Boundaries, by leave previously obtained, reported favorably

on the bill to create a new county of portions of Chambers, Tallapoosa, Macon and Russell counties, to be called the county of Lee; with the following amendment:

Strike out in the 1st section, 19th line, beginning at the word "south," the remainder of that line and all of the two succeeding lines, and substitute in lieu thereof the words "in a direct line to the south-east corner of township 18, range 25;"

Which amendment was adopted;

And the bill read a third time, under a suspension of the constitutional rule, and passed;

Yeas 76, nays 9.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Cotten, Cox, Craig, Orenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Ellis, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, McAlexander, McBee, McCain, McCann, Mc-Coy of Russell, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choc-taw, Smith of Jackson, Stringer, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—76.

MAYS—Messrs. Bathea, Caffey, Grant, Mabry, McCoy of Tallapoosa, McKinstry, McLester, Steadham and Sturdivant—9,

Mr. Sheffield, from the Committee on Military Affairs, by leave previously obtained, reported favorably on the bill to consolidate the offices of Adjutant and Inspector General, and Quartermaster General; with the following amendments:

By striking out the words in the 14th line, "is hereby increased," and insert in lieu thereof "shall be five hundred dollars."

Also amend by adding the following section: "Section 2, Be it further enacted, That the Governor is hereby authorized to revive the office of Adjutant and Inspector General whenever he may deem it necessary;"

Which amendments were adopted;

And the bill ordered to be engrossed and read a third time on to-morrow.

Mr. Smith of Jackson moved to suspend the call for reports

from the Committee on the Judiciary, to enable him to report a bill from the Committee on County Boundaries ;

Which was carried.

Mr. Smith of Jackson, from the Committee on County Boundaries reported favorably on the bill to establish a new county, to be called the county of Crenshaw ; with the following amendments :

1st. Strike out the words "and twelve," where they occur in 9th line of the 1st section and insert the word "and" before the word "eleven" in the same line.

2d. Strike out the words "township 12, range 18," where they occur in the 12th line of the 1st section.

3d. And add "And also the south-west quarter of township 8, range 16 ; and township 6, range 18," to the end of the 1st section.

The hour of twelve having arrived, Mr. Goodwin moved to suspend the order of the day for the purpose of continuing the consideration of the report before the House, and to receive reports from standing committees ;

Which was carried.

Mr. Smith of Jackson, moved to lay the bill and report under consideration on the table, and to take up the Senate bill—

To establish a new county, to be called the county of Crenshaw ;

Carried.

Which was then read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas 81 ; nays 2.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hawthorne, Henry, Humphrey, Judkins, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Worthy—81.

NAYS—Mabry and McKinstry—2.

Mr. Whitfield moved to reconsider the vote by which the orders of the day were suspended.

REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. McKinstry, from the Judiciary Committee, reported adversely to the bill to make Sarah Elizabeth Marshall, a free dealer;

Report of the committee concurred in.

Mr. McKinstry, from the same committee, reported favorably on the bill to regulate the statutes of limitation in certain cases;

Bill was read the third time, and passed.

Mr. McKinstry, from the same committee, reported adversely to the Senate bills—

To extend the time for making the census returns;

To amend section 2396 of the Code of Alabama;

Report concurred in.

Mr. McKinstry, from the same committee, reported favorably to the bill fixing the time when certain laws shall take effect;

Report concurred in;

And the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported adversely to the passage of the following bills:

To declare Julia A. Cocke, wife of J. F. Cocke, of the county of Choctaw, a free dealer;

To declare Emma Harrison of Macon county, a free dealer;

To declare Lucy Freeman, wife of Andrew Freeman, of the county of Talladega, a free dealer;

To declare Patience Coleman a free dealer;

To make Emily McNeel, of Wilcox county, a free dealer;

To declare Elizabeth Farmer, of the county of Macon, a free dealer;

To allow all persons marrying in this State, and one or the other dying without children, that the survivor shall be heir to all the property they may have made or have had given to them at the time of the decease;

For the relief of A. A. Coleman, late judge of the seventh judicial circuit of this State;

To define the powers of justices of the peace.

The House concurred in the reports.

Mr. McKinstry, from the same committee, reported favorably to the bills—

To amend section 160 of the Penal Code of Alabama;

To repeal an act to authorize justices of the peace to take cognizance of and try cases of misdemeanor, approved January 20, 1866 ;

Which were severally read the third time, under the suspension of the constitutional rule and passed.

Mr. McKinstry, from the same committee, reported a substitute for the bill—

To compensate sheriffs in certain cases of attachments ;

Which was read the first, second and third times under the suspension of the constitutional rule, and passed.

Mr. Goodwin, from the Select Committee, reported favorably to the bill to amend section 7 of an act entitled an act to provide for taking the census of the State of Alabama for the year 1866,

Mr. Bethea moved to amend by striking out the "first Monday in December, 1866," and inserting the "15th day of January, 1867 ;"

Which amendment was adopted, and the bill read a third time, under the suspension of the constitutional rule, and passed.

Mr. Whitfield moved to adjourn until to-morrow 10 o'clock ;
Lost.

Mr. McKinstry moved to adjourn until 4 o'clock this evening ;

Lost.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably to the bill—

To grant authority to the probate court to distribute real estate by sale or division, when such property has been received under the law, authorizing executors, administrators, &c., to compromise bad and doubtful claims ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Morse moved to adjourn until Friday at 10 o'clock, a. m.,
Lost.

Mr. Bethea moved to adjourn until to-morrow at 10 o'clock a. m.,

Carried.

Mr. Bankhead moved to reconsider the vote by which the House adjourned until to-morrow ;

Carried,

On motion of Mr. Grant,

The House adjourned until 9½ o'clock, a. m., Friday,

FRIDAY, November 30.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

Journal of the 28th inst., read and approved.

Mr. Grant asked to be relieved from serving on the Committee on Destitution and Supplies;

Request refused,

On motion of Mr. McKinstry, the select committee on the bill To relieve the destitute of the State for the year 1867,

Were discharged, and the bill recommitteed to the Committee on Destitution and Supplies,

On motion of Mr. McKinstry, the vote concurring in the adverse report of the Judiciary Committee on the bill—

To amend section 2396 of the Code of Alabama,

Was reconsidered, and by leave, the report was withdrawn.

On motion of Mr. Williams of Randolph, the call of the counties was suspended to take up the following Senate bills:

To incorporate the Gold Ridge Mining Company;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations,

To incorporate the Arbacoochee and North Alabama Gold Mining Company;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations,

Mr. Chapman, by leave, introduced a bill—

To amend amend section 73 of an act entitled an act to establish revenue laws of the State of Alabama, so far as relates to the county of Covington;

Which was read the first and second times, under a suspension of the constitutional rule, and passed.

Mr. Chapman, a bill for the relief of John D. Riley, of Covington county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims,

Mr. McLester, a bill authorizing the judge of probate of Tuscaloosa county, to resign the office of judge of the county court;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary,

Mr. Bethea, by leave, offered the following joint resolution;

Which was adopted;

Resolved, That a joint committee of three, (the Senate concurring,) be appointed by the House, and three by the Senate, to prepare and report a memorial to the Congress of the United States, asking a repeal of the law imposing a duty of three cents per pound on cotton ;

Messrs. Bethea, Clark of Mobile, and Humphrey, are the committee on the part of the House.

Mr. McKinstry, from a joint committee, made the following report :

The Joint Committee on the Code of Laws of this State, beg leave to report to the House—

That they have examined a portion of the manuscript of the Code prepared by the codifier, and laid before the House the portion commencing at section 1 to section 833, inclusive, for your examination and consideration.

The report and manuscript were laid on the table for the inspection of members.

Mr. Borden moved to suspend the call of counties, to receive reports from the Standing Committees, and that the Committee on Education be allowed to report first ;

Which carried.

Mr. Doster, from the Committee on Education, reported favorably to the bill—

To establish a uniform and efficient system of public instruction in the State of Alabama.

On motion of Mr. Mabry, one hundred and thirty-three copies were ordered to be printed, and the bill was laid on the table.

REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably to the bill—

To repeal an act to regulate proceedings before justices of the peace, in cases of misdemeanor cognizable before them, approved January 20, 1866 ;

For the relief of the minor heirs of W. A. Williams, deceased, late of Mobile ;

Which bills were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

To regulate the collection of freights in certain cases ;

Report of the committee concurred in, and the bill read the third time.

Mr. Smith of Jackson, moved the following amendment :

That the provisions of this act do not extend to the Memphis and Charleston Railroad, and the depots along the line of the Tennessee river.

Mr. Smith of Jackson, moved to reconsider the vote by which the bill was ordered to a third reading ;

Which carried.

Mr. Echols moved to reconsider the vote by which the report of the committee was concurred in ;

Which carried.

On motion of Mr. Echols,

The bill and amendment were laid on the table.

Mr. McKinstry, from the same committee, reported adversely to the passage of the bill—

To regulate the proving of claims against insolvent estates ;
Report concurred in.

Mr. McKinstry, from the same committee, reported favorably to the bill—

To confer additional powers upon special constables ;

Mr. Steadham moved to amend so as to exempt the county of Marion from the operations of this bill.

Which carried.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

Incorporating the Southern Life Assurance and Trust company ;

To incorporate the city of Greenville ;

To incorporate the Shoal Creek Transportation company ;

To incorporate the Bell Factory Manufacturing company ;

To incorporate the Central Mining and Manufacturing company of Alabama ;

To legalize the marriage between James Swan and Sally Kilgore, of the county of Randolph ;

To authorize the court of county commissioners of the county of Chambers to borrow money and provide the means of repaying the same ;

To incorporate the Mobile Building Block company ;

To incorporate the Georgia Petroleum company ;

And respectfully ask the concurrence of the House therein.

The Senate has passed the following House bills :

For the relief of the poor of Shelby county ;

To amend an act entitled an act to prevent the destruction of fish in the Tennessee river ;

To change the time of holding the circuit court in the counties of Autauga and Bibb ;

For the relief of the executor of Robt. Curtis, deceased, late of Choctaw county ;

To prohibit the sale of ardent spirits within certain bounds of Adoniram church, in the county of Henry ;

To authorize the administrators of Daniel H. Avery, deceased, to retain decedent's interest in the firm of Leach & Avery ;

To extend the jurisdiction of the justices of the peace in Carrollton Beat, Pickens county ;

In relation to the protection of crops within certain limits in Dallas county ;

To repeal an act entitled an act to regulate the mode of selecting grand and petit jurors for the county of Perry ;

To prohibit the sale of spirituous or intoxicating liquors within two miles of the Academy and Church near Alfred Collins', in DeKalb county ;

To regulate the practice in the circuit courts in the counties of Washington and Baldwin ;

To secure the privacy of the grounds of the Alabama Insane Hospital ;

To authorize the removal of the administration of the estate of W. H. Fitts, deceased, from the county of Marengo to the county of Tuscaloosa ;

To authorize the sheriff of DeKalb county to discharge the duties of bailiff or constable in Lebanon Beat No. 7, of said county ;

To authorize the commissioners court of Barbour county to levy a tax for county purposes ;

To prohibit the sale of ardent spirits, except for medical purposes, within three miles of the Male and Female Academy, at Pushmataha, in Choctaw county ;

To provide for the holding of two terms of the chancery court for the county of Choctaw, in each year ;

To authorize T. H. Lake, guardian, to make certain investments for the benefit of the minor heirs of James Lake, deceased.

The Senate has amended as therein shown and passed the House bill—

To authorize the court of county commissioners of Perry, Lawrence and Franklin counties, to issue bonds, to build bridges, repair public buildings and for other purposes.

M. TAUL, Sec'y.

REPORTS FROM COMMITTEE ON CORPORATIONS.

Mr. Tompkins, from the Committee on Corporations, reported adversely to the bill to incorporate the village of Lochapoka, in the county of Macon ;

Report of the committee concurred in.

Mr. Tompkins, from the same committee, reported favorably to the bills—

To amend an act entitled an act to incorporate the town of Richmond, in Dallas county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins from the same committee, reported favorably to the bill—

To incorporate the Merchants Insurance Company at Selma ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 66 ; nays 14.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Faulk, Gafford, Goldthwaite, Goodwin, Hand, Hardie, Hare, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Mabry, Malone, Malloy, McCoy of Russell, McLester, Meadors, Odum, Owens, Pierce, Pipkin, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Tompkins, Vansandt, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Woolf and Worthy—66.

NAYS—Messrs. Cox, Gibson, Ledbetter, Lindsey, Manasco, McBee, McCann, Oliver, Palmer, Padgett, Plowman, Potter, Thorn and Willhite—14.

The special order, being the bill to create a new county of portions of Macon, Montgomery, Pike and Barbour counties, to be called the county of Bullock ;

Was taken up and read the third time, under the suspension of the constitutional rule, and passed.

Yeas 78 ; nays 7.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Dobson, Doster, Echols, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hardie, Hare,

Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malloy, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Randolph, Wilhite and Worthy—78.

NAYS—Messrs. Bethca, Caffey, Davis of Bibb, Grant, Lindsey, Mabry and Woolf—7.

Mr. Tompkins moved to suspend the orders of the day to continue the call for reports from standing committees ;

Which was carried.

Mr. Tompkins, from the Committee on Corporations, reported back to the House the bill—

To amend the charter of the town of Marion ;

With a substitute, entitled

An act to authorize the corporate authorities of the town of Marion to enforce the collection of taxes for the legitimate purposes of the corporation ;

Which was adopted ;

And read the third time, under a suspension of the constitutional rule and passed.

Mr. Tompkins, from the same committee, reported favorably to the bills—

To incorporate the State Insurance Company, of Mobile ;

To incorporate the Sipsey River Manufacturing Company ;

To incorporate the National Hotel Company, of Selma ;

To incorporate the Briarfield Iron Works Company, of the county of Bibb ;

Which bills were severally read the third time, under a suspension of the constitutional rule and passed.

Mr. Tompkins, from the same committee, reported back to the House the bill—

To incorporate the bar of Dallas county,

With the following amendment :

Erase from section --- the latter paragraph, which is in words as follows :

“ The said corporation shall have with its other powers the right to use some suitable room in the court house of Dallas county for a library, not interfering, however, with the affairs of the court, or any of its agents, in their use of said building, or any of its apartments.”

Which amendment was adopted ;

And the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from the same committee, reported back to the House, the bill—

To incorporate the town of Dadeville, with a substitute to be entitled, "An act to incorporate the town of Dadeville, in Tallapoosa county" ;

On motion of Mr. Vansandt, the further consideration of the bill was postponed till to-morrow, and made the special order of the day at the hour of 12 M.

Mr. Tompkins, from the same committee, reported favorably to the Senate bill—

To incorporate the Tuscumbia Savings Association at Tuscumbia ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, from the same committee, reported favorably to the bills—

To incorporate the Noxubee Bridge Company ;

To incorporate the Insurance Company of South Alabama ;

To incorporate the Phoenix Insurance Company of Mobile ;

Which were read severally the third time, under suspension of the constitutional rule, and passed.

Mr. Tompkins, from the same committee, reported adversely to the passage of the bill—

To incorporate the Budahatchie Water Power and Manufacturing Company ;

The House refused to concur in the report ;

And the bill was read the third time, under the suspension of the constitutional rule, and passed.

Report of the Judiciary Committee resumed—

Mr. McKinstry, from the committee on the Judiciary, reported favorably to the bills—

To increase the fees of jailors in the State of Alabama ;

The bill was read the third time under the suspension of the constitutional rule and lost ;

Mr. McKinstry, from the same committee, reported favorably to the bill—

To regulate costs in cases where the judgment is reduced to sum below the jurisdiction of the court, by reason of any of the causes mentioned in section 3, ordinance 26 of the State convention ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Pierce, from the same committee, reported favorably to the bill—

To repeal section 3931 of the Code of Alabama, and to provide a substitute therefor, regulating the fees of jailors conveying convicts to the penitentiary ;

Report concurred in, bill read third time, under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from same committee; reported favorably to the bill—

To authorize commissioners of revenue of each county in this State to make equitable settlements in certain cases ;

Which was read the third time under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee; reported adversely to the passage of the bills—

For the redemption of property sold under process of courts.

To regulate interest in certain cases ;

Which reports were severally concurred in.

Mr. McKinstry, from the same committee; reported adversely to the passage of the bill—

To amend section 186 of the Penal Code of Alabama.

On motion of Mr. Morse, the further consideration of the bill was postponed until to-morrow, and made the special order of the day at the hour of 12 m.

On motion of Mr. Thrasher,

The House adjourned until 10 o'clock to-morrow.

SATURDAY, December 1:

House met pursuant to adjournment.

Prayer by Rev. Mr. Hand.

Journal of yesterday read and approved.

Mr. Mabry, by leave, offered the following resolution;

Which was adopted :

Resolved, That the State Printer be instructed to print the bill entitled an act to establish a uniform and efficient system of public instruction in the State of Alabama, in pamphlet, instead of bill form, and increase the number to five hundred copies.

Mr. Brooks, to alter the constitution of this State in regard to the qualifications of electors.

Mr. Thrasher moved to lay the bill on the table.

Mr. Brooks moved to amend the motion to lay on the table, and print one hundred and thirty-three copies.

The amendment was lost. Yeas 21, nays 65.

YEAS—Messrs. Speaker, Brooks, Clark of Mobile, Cox, Dobson, Doster, Frazer, Grant, Hardie, Hare, Henry, Lanier, Ledbetter, Malone, Malloy, Manasco, McCann, Morse, Palmer, Potter, Waller, Warren of DeKalb, Williams of Jackson and Williams of Randolph—21.

NAYS—Messrs. Ash, Ashford, Bankhead, Bethea, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Ellis, Faulk, Freeman, Goldthwaite, Goodwin, Hand, Humphrey, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Mabry, Manasco, McAlexander, McBee, McCoy of Russell, McKinstry, McLester, McMillan, Meadors, Moore, Odum, Oliver, Owens, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Whitfield, Wilhite, Woolf and Worthy—65.

Mr. Morse moved to postpone the further consideration of the bill until the 16th January next ;

Which was lost.

Yeas 40, nays 48.

YEAS—Messrs. Speaker, Ashford, Borden, Bourland, Brooks, Clark of Mobile, Connelly, Cox, Davis of Barbour, Dobson, Doster, Freeman, Gibson, Grant, Hardie, Henry, Lanier, Ledbetter, Mabry, Malone, Malloy, McCann, McCoy of Russell, McKinstry, McLester, Moore, Morse, Oliver, Palmer, Padgett, Potter, Seawell, Tompkins, Vansandt, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph and Woolf—40.

NAYS—Messrs. Ash, Bankhead, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Cotten, Crenshaw, Culver, Davis of Bibb, Echols, Ellis, Faulk, Frazer, Goldthwaite, Goodwin, Hand, Hare, Humphrey, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Manasco, McAlexander, McBee, McMillan, Meadors, Odum, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Thorn, Wilhite and Worthy—48.

The motion to lay the bill on the table was then carried ;

Yeas 72 ; nays 16.

YEAS—Messrs. Speaker, Ash, Ashford, Bankhead, Bethea, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Crenshaw, Culver, Davis of

Bibb, Dobson, Echols, Ellis, Faulk, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Hand, Hare, Humphrey, Judkins, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McBee, McKinstry, McLester, McMillan, Meadors, Moore, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thrasher, Tompkins, Vansandt, Whitfield, White, Woolf and Worthy—72.

NAYS—Messrs. Brooks, Cox, Craig, Davis of Barbour, Doster, Grant, Hardie, Henry, Lanier, McCann, McCoy of Russell, Morse, Waller, Warren of DeKalb, Williams of Jackson and Williams of Randolph—16.

Mr. Morse offered the following protest :

I vote against laying the bill on the table, because—

1st. I desire an opportunity to record my vote against the bill upon its merits ;

2d. Because, in the present relations of Alabama to the Federal Government, policy and expediency suggest the impropriety of disposing of this bill in this summary way.

JOSHUA MORSE,

H. R. MCCOY.

Mr. Cox offered the following protest, on the motion to lay the bill on the table this day introduced by Mr. Brooks of Lowndes, to change the qualifications of electors : I vote “no” because I am totally opposed to the bill, and desire to record my vote against it on the merits.

G. S. COX,

G. W. DAVIS.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To define the persons exempt from road duty, and limit the liability to work public roads ;

For the preservation of oysters in this State ;

To amend an act entitled an act making copies of deeds evidence in certain cases, approved Dec. 12, 1853 ;

To regulate the sale of personal property of decedents by order of courts of probate ;

To repeal an act to amend section 2526 of the Code, approved Nov. 29, 1866 ;

To regulate the mode of releasing persons held to bail in

this State where the grounds of bail are denied and where schedules are filed ;

To repeal section 1099 of the Code ;

To make it the duty of the court to impose the punishment in all offences punishable by hard labor ;

To amend section seventy-four of the Code ;

To require the Secretary of State to deliver copies of the acts and journals of the General Assembly to the State Printer within the time prescribed by law ;

To repeal section 2 of act therein named, and to prevent the conversion of money by certain officers ;

To repeal certain sections of an act to amend the laws in relation to elections in certain cases, approved Dec. 8, 1862 ;

To authorize the judges of probate in the counties of Perry, Greene and Pickens, to hire persons confined as convicts in the jails of their respective counties, and sentenced to hard labor, to work on the Cahaba, Marion and Greensboro Railroad ;

To prevent the abatement of prosecutions by the repeal, revision, amendment, or alteration by laws ;

To aid in the preservation of human life on railroad trains ;

To explain and construe 11th subdivision of section 3, of chapter 1, of an act entitled an act to establish revenue laws of the State of Alabama, approved Feb. 22, 1866 ;

To pay John Callahan the sum of five hundred and seventy-six dollars in full, for repairing the furniture in the Senate Chamber ;

For the relief of Barbara M. Ralph ;

To give the probate court of Wilcox county jurisdiction over the estate of William D. King, deceased, late of Monroe county ;

To authorize Dr. B. W. Groce, of the county of Greene, to sell certain trust lands in the county of Talladega ;

To enlarge the jurisdiction of justices of the peace in cases of injury to stock by railroads, and for other purposes ;

To amend section 487 of the Penal Code ;

To prescribe a form for letters testamentary ;

To repeal section 979 of the Code ;

To amend section 248 of the Code ;

To amend section 2632 of the Code of Alabama ;

To amend section 2820 of the Code of Alabama ;

To amend section 2183 of the Code of Alabama ;

To amend an act entitled an act to amend section 1860 of the Code, approved January 27, 1858 ;

To prescribe forms of letters of administration ;

To amend section 247 of the Code.

The Senate has passed the following House bills :

For the relief of James B. F. Lindsey, of the county of Tallapoosa ;

To create a new county of portions of Chambers, Tallapoosa, Macon and Russell counties, to be called the county of Lee.

It has also amended by substitute, and passed the House bill—

To add a section, to be denominated section 3, to an act entitled an act to give a lien on the crop and stock for advances to assist in making the crop.

It has also amended, as therein shown, and passed the House bill—

For the relief of defendants in judgments rendered upon contracts made between the 1st of September, 1861, and the 1st of May, 1865.

M. TAUL, Secretary.

BILLS AND RESOLUTIONS.

Mr. Leeper offered the following resolution, which was adopted :

Be it resolved by the House of Representatives of the State of Alabama, That the hall of the House of Representatives be tendered to the Committee of the Orphans' Home of the Synod of the State of Alabama, at the hour of 7 o'clock, p. m., on Thursday next, for the purpose of presenting the claims of that institution.

Mr. Savage introduced a bill—

To amend an act concerning vagrants and vagrancy, approved December 15, 1865 ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Doster, a bill—

To authorize the probate court of Autauga county to grant letters of administration upon the estate of John A. Cotton, deceased, to Duncan McKeithen ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Bethea, a bill—

For the relief of John Callahan, of Montgomery county ;

Which was read the first and second times, under the sus—

pension of the constitutional rule, and referred to the Committee on Accounts and Claims ;

Also, a bill, to incorporate the Montgomery and Pickett Springs Gravel Road Company ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations,

REPORT OF COMMITTEE.

Mr. Tompkins, from the Committee on Corporations, reported favorably to the bill—

To amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved January 2d, 1833.

Report of the committee concurred in, and the bill was read the third time, under the suspension of the constitutional rule, and passed.

Yeas, 40 ; nays, 32.

YEAS—Messrs. Ashford, Bethea, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Craig, Davis of Bibb, Echols, Ellis, Faulk, Frazer, Freeman, Goodwin, Hare, Henry, Humphrey, Judkins, Lanier, Ledbetter, Mabry, McAlexander, McKinstry, Meadors, Pierce, Bipkin, Raisler, Robinson of Baldwin, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Tompkins, Vansandt, Whitfield, Woolf and Worthy—40.

NAYS—Messrs. Ash, Borden, Bourland, Cox, Crenshaw, Davis of Barbour, Dobson, Doster, Grant, Hand, Hardie, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, McBee, McCann, McCoy of Russell, McLester, Moore, Morse, Odum, Oliver, Palmer, Padgett, Potter, Steadham, Warren of DeKalb, Williams of Jackson, Williams of Randolph, and Wilhite—32.

Mr. McKinstry, from the Joint Committee on the Code, presented the following communication from Hon. A. J. Walker ;

Hon. T. B. Cooper,

Speaker of the House of Representatives ;

Two volumes of the manuscript Code have been laid upon your clerk's table. I fear that in promiscuous handling it will become unstitched, and that some of the leaves may be lost. I would like to keep it in my room and invite the honorable

members to call at my room and examine it. Access to any part of the work is at all times free to any member.

Very respectfully,

A. J. WALKER.

December. 1, 1866.

Mr. McKinstry, offered the following joint resolution,
Which was adopted.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, (the Senate concurring,) That the manuscript of the Code, as it is reported by the joint committee, be placed on the table in the consultation room adjoining the hall of the House for the examination, inspection and reading, by the members of the General Assembly.

Mr. Sheffield, from the Committee on Destitution and Supplies, reported favorably on the bill—

To relieve the destitute of this State for the year 1867;

Which was read the third time, under suspension of the constitutional rule, and passed.

Yeas 69; nays 8.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Bourland, Brandon, Brooks, Bush, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Faulk, Freeman, Gibson, Goldthwaite, Grant, Hand, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McCoy of Russell, McKinstry, McLester, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Steadham, Stringer, Thorn, Tompkins, Vansandt, Waller, Warren of DeKalb, Whitfield Williams of Jackson, Wilhite, Woolf, and Worthy—69.

NAYS—Messrs. Borden, Ellis, Henry, McBee, McMillan, Smith of Jackson and Sturdivant—7.

Mr. Sheffield, from the same committee, reported a bill to provide for the distribution of supplies to the destitute, and to provide for the punishment of officers and others for their misapplication;

Which was read the first and second times, under the suspension of the constitutional rule.

Mr. Leeper moved the following amendment:

Provided, That this act shall not be construed to repeal any special law now in force in any county of this State,

Which amendment was adopted,

And the bill read the third time, under a suspension of the constitutional rule and passed.

Mr. Sheffield, from the same committee, made the following report :

Your committee are of the opinion that the report of the State Commissioner, &c., should be printed, and do therefore recommend that 200 copies be printed in pamphlet form.

All of which is respectfully submitted.

Report of the committee concurred in.

Leave of absence was granted Messrs. Bethea, Chapman, Walker and Ashford.

On motion of Mr. Smith of Choctaw,

The House adjourned until 10 o'clock a. m., Monday.

MONDAY, December 3.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt, (a member.)

Journal of the 1st instant read and approved.

Leave of absence was granted to Messrs. Lawrence of Cherokee, Hardie, Stringer, Goodwin, and Mr. Clarke, the door-keeper.

Mr. Ellis moved to suspend the call of the counties, for the purpose of allowing the Committee on County Boundaries to make two reports; and amended so as to allow the Committee on Ways and Means to make one report;

Carried.

REPORT OF THE COMMITTEE ON COUNTY BOUNDARIES.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported a substitute for the bill—

To form a new county to be called the county of Cleburne, from portions of Calhoun, Randolph and Talladega counties;

Which was adopted,

And read the third time under, a suspension of the constitutional rule, and passed.

Yeas 74, nays 1.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Faulk, Frazer, Gafford, Goldthwaite, Goodwin, Hand, Hare, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Ma-

nasco, McBee, McCann, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Richardson, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Stringer, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf, and Worthy—74.
 NAY—Mr. Mabry.

Mr. Smith of Jackson, from the same committee, reported a substitute for the bill—

To form a new county, to be called the county of Clay, from a portion of Talladega and Randolph counties ;

Substitute adopted,

And read the third time, under a suspension of the constitutional rule, and passed,

Yeas 72, nays none.

YEAS.—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Ellis, Faulk, Frazer, Goldthwaite, Goodwin, Grant, Hand, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McBee, McCann, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Stringer, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—72.

Mr. Clark of Mobile, from the Committee on Ways and Means, by leave, made the following report :

The Committee on Ways and Means, to whom was referred the general subject of a revision of the revenue laws of the State, respectfully report, that they have, after a careful consideration, agreed upon certain modifications of existing law.

When a question of taxation was presented to the Committee at the last session of the Legislature, the subject was full of embarrassment. Our people had just emerged from a desolating war, and the wholesale destruction of property everywhere, the total annihilation of a large and important source of revenue to the State by the abolition of slavery, and the general impoverishment of the people, rendered it necessary to make a radical change in the subjects and system of taxation, and seek new sources of revenue.

In the opinion of the Judiciary Committee, all pre-existing laws in relation to taxation had been abrogated by the Convention, and the committee was therefore required not only to designate the sources and items of revenue, but to construct anew the entire machinery for enforcing the law. From the want of adequate time for the preparation of the law of the last session, imperfections were inevitable, and it is not remarkable that from this cause, and the want of proper vigilance, portions of the law were evaded and the State deprived of some of its revenue thereby. The law of the last session also, as printed, contained many errors of more or less consequence—some of them of such a nature as to change the sense and meaning of the law, or render it obscure. Where, or how, these errors originated, it is impossible for the committee to determine, but it is presumed that they occurred in copying the law.

The constitutional requirement that every section to be amended should be recited at full length, would compel the committee, in correcting an error of a single unimportant word, to set forth an entire section. To avoid this difficulty, it has been thought best to report the bill herewith presented as a new law, following the printed copy of the former law, correcting the errors in the proper places, making such changes, in writing, as further careful consideration render desirable, so that members can at once discover, by reference to the written copy, the modifications recommended.

It will be perceived that the most important changes suggested by the committee is in the special tax on liquors, which it is proposed to reduce from fifty cents to five cents per gallon. Careful investigation has satisfied the committee that a tax of five cents per gallon will, with the safeguards thrown around the bill against the evasion, yield a larger revenue to the State than any higher sum. By the operation of the law of last year, the sales of the largest dealers in the State was diminished from 11,000 barrels to less than 100, while depots have been, and are, being established in adjoining States for supplying the consumer direct, and escaping taxation altogether. The change proposed by the committee will, it is believed, correct this evil, and the injury done to the honest dealer by the evasions of the former law, be prevented. Some other changes have also been made, which were deemed necessary to secure a more thorough administration of the law, and which are set forth in the bill herewith presented, "to establish revenue laws of the State of Alabama", which the com-

mittee have instructed me to report back to the House, and respectfully recommend its passage.

The report of the committee concurred in, and the bill—

To establish revenue laws for the State of Alabama ;

Was read the first and second times, under the suspension of the constitutional rule, when,

On motion of Mr. Morse,

The further consideration of the bill was postponed till the 16th day of January next, and one hundred and thirty-three copies ordered to be printed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To incorporate the Cowbellion De Rakin Society of Mobile ;

To amend sections 1 and 11 of an act to incorporate the Opelika and Talladega Railroad company, approved December 9, 1859, and other acts amendatory thereof ;

To amend an act therein named, in reference to the bond of the Secretary of the State ;

To regulate proceedings in chancery courts ;

To amend section 1242 of the Code of Alabama ;

To amend section 144 of the Code ;

To amend an act to increase the duties of overseers on public roads, and to prevent parties joining fences to public bridges ;

To prescribe an additional oath to the officers of the State, and repeal section 110 of the Code ;

To repeal an act for the working the roads and building bridges in Washington county ;

To amend an act to regulate the office of Attorney General ;

To provide for cessions to the United States of lands within this State, for certain specific purposes ;

The Senate concurs in the resolution of the House proposing the appointment of a joint committee of three from each House to memorialize Congress, asking a repeal of the law imposing a tax of three cents per pound on cotton.

Messrs. Felder, Cooper and Lindsay are appointed to act as such committee on the part of the Senate.

The Senate has also passed the following House bills :

To grant the right of way to the Washington Avenue Railroad Company, and to increase the capital stock of said company ;

And has amended, as therein shown, and passed the bill

To enlarge and extend the time of holding the circuit court in the county of Limestone.

M. TAUL, Secretary.

Mr. Bankhead, by leave, introduced a bill—

To amend section 7, and to repeal sections 2, 3, 4 and 5 of an act entitled an act to regulate judicial proceedings ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Cox, by leave, a joint resolution memorializing Congress to pass an act establishing a uniform system of bankruptcy ;

Which was read the first time, under a suspension of the constitutional rule.

On motion of Mr. Goodwin,

The further consideration of the resolution was postponed until the 16th of January next.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed a bill—

To remove the administration of Robert B. Armistead, deceased, from the county of Mobile to the county of Montgomery.

M. TAUL, Secretary.

The special order, being the bill, to repeal section 1556 of the Code, Mr. Mabry moved to postpone the further consideration of the bill till the 17th January next, and make it the special order of the day, at the hour of 12 m.

Lost.

Mr. Grant moved that the further consideration of the bill be postponed till Wednesday next, and make it the special order of the day at the hour of 12 m.

Lost.

Mr. Smith, of Jackson, pending the discussion, moved the previous question, which was, shall the bill pass.

The vote was taken up, and the bill lost.

Yeas, 36 ; nays, 40.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Gibson, Goldthwaite, Goodwin, Hare, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Manasco, McCann, Morse, Odum, Padgett, Pierce, Potter, Sav-

age, Sheffield, Smith of Choctaw, Smith of Jackson, Waller Williams of Jackson, Williams of Randolph, Woolf and Worthy—36.

NAYS—Messrs. Bourland, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Craig, Dobson, Ellis, Faulk, Frazer, Grant, Hand, Ledbetter, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore, Oliver, Palmer, Pipkin, Raisler, Richardson, Robinson of Baldwin, Steadham, Thorn, Vansandt, Walker, Warren of DeKalb, Whitfield and Wilhite—40.

On motion of Mr. Worthy, Mr. Mabry was added to the Committee on Retrenchment.

On motion of Mr. Leeper, Mr. Worthy was added to the Committee on Internal Improvements.

On motion of Mr. Tompkins, the general orders were suspended to take up the Senate messages.

SENATE BILLS,

To amend section 24 of the Code ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed ;

For the relief of Elly Smith and Susan Butler, of Clarke county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed ;

To authorize judges of probate to appropriate, when necessary, a portion of the principal of the estates of wards for their education and support ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

For the relief of Allen H. Johnson and James G. Barnes, of Tuscaloosa county, and others ;

Which was read the first and second times, under a suspension of the constitutional rule,

On motion of Mr. Smith of Choctaw,

The bill was amended by adding the name of Alexander M. Gibson, of the county of Blount ;

Mr. Sheffield, by adding the names of Bird Ashburne and Tabitha Sims ;

Mr. McCoy of Russell, by adding the name of Mary E. Barnett, wife of R. R. Barnett ;

Mr. Connelly, by adding the name of T. F. Pate, of Randolph county ;

Mr. Lawrence of Fayette, by adding the name of Alfred Debry and Nancy E. Murray, of Fayette county ;

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

To authorize Benjamin B. and Theophilus L. Fontaine, citizens of the State of Georgia, to qualify as executors on the estate of John Fontaine ;

To authorize Edgar G. Dawson, a citizen of the State of Georgia, to execute the will of Mrs. Eliza Ferrell, in accordance with the request contained in said will ;

To give the probate court of Wilcox county jurisdiction over the estate of William D. King, deceased, late of Monroe county ;

To authorize J. B. Earl, executor of Thomas J. Wright, deceased, to sell the cotton belonging to the estate of said Thos. J. Wright, at private sale ;

Which bills were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

To incorporate the Alabama Express Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

For the relief of Barbara M. Ralph ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

For the relief of Reuben L. Sullivan, of Coosa county ;

To authorize the administrator of David Ward, deceased, to sell the real estate of said deceased at private sale ;

For the protection of Robert McIlvain, as the administrator, with the will annexed, of Charles H. Sandford, deceased ;

Which bills were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Meadors,

The House adjourned until 10 o'clock a. m. to-morrow.

~~RECEIVED~~

TUESDAY, December 4,

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

The journal of yesterday was read and approved.

Mr. Ledbetter moved to reconsider the vote by which the bill to repeal section 1556 of the Code of Alabama was lost on yesterday.

Mr. Grant moved to lay the motion on the table ;
Which was lost.

Yeas 32, nays 50.

YEAS—Messrs. Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Dobson, Edwards, Ellis, Grant, Hawthorne, Mabry, Malone, Malloy, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore, Oliver, Palmer, Pipkin, Raisler, Robinson of Baldwin, Steadham, Sturdivant, Thorn, Vansandt, Warren of DeKalb, Whitfield and Wilhite—32.

NAYS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Manasco, McAlexander, McCann, Morse, Odum, Padgett, Pierce, Potter, Richardson, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Thrasher, Walker, Waller, Williams of Jackson, Williams of Randolph, Woolf, Worthy and Young—50.

The question recurring on Mr. Ledbetter's motion to reconsider ;

It was carried.

Yeas 46, nays 39.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Bush, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, McAlexander, McCann, Morse, Odum, Padgett, Pierce, Potter, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Thrasher, Walker, Waller, Williams of Jackson, Williams of Randolph, Woolf, Worthy and Young—46.

NAYS—Messrs. Brooks, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Craig, Dobson, Edwards, Ellis, Faulk, Freeman, Grant, Hawthorne, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Moore, Oliver, Palmer, Pipkin, Raisler, Richardson, Robinson of Baldwin, Savage, Steadham, Sturdivant, Thorn, Vansandt, Warren of DeKalb, Whitfield and Wilhite—39.

Mr. Mabry introduced a bill to fix the time and place of holding the regular term of the city court of Selma ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Mabry moved a further suspension of the constitutional rule, in order to give the bill a third reading forthwith ;

Which was lost.

Yeas 64 ; nays 13.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Faulk, Gafford, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Meadors, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Whitfield, Wilhite, Woolf, Worthy and Younge—64.

NAYS—Messrs. Frazer, Manasco, Morse, Odum, Oliver, Palmer, Padgett, Potter, Savage, Steadham, Warren of DeKalb, Williams of Jackson and Williams of Randolph—13.

The bill was then referred to a select committee of three ; Messrs. Mabry, Pierce and Whitfield.

Mr. Smith of Choctaw, from the select committee on the Revised Code, made the following report :

The Joint Committee appointed to examine the Code, prepared by the Hon. A. J. Walker, instruct me to report that they have given the same a careful and minute consideration, and find it to be a carefully digested compilation of the public laws of the State ; well arranged in strict accordance with the law authorizing the revision, and remarkably free from errors.

The first committee, therefore, report back the revision with the accompanying bill—

To provide for the adoption, printing and distribution of the Revised Code of Alabama ;

Report of the committee concurred in, and the bill read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas, 61 ; nays, 23.

YEAS—Messrs. Speaker, Ash, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Cox, Craig, Crenshaw, Culver, Dobson, Echols, Edwards, Ellis, Fanlk

Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Meadors, Oliver, Palmer, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Smith of Choctaw, Tompkins, Waller, Whitfield, Williams of Randolph, Willite, Woolf, Worthy, Younge—61.

NAYS—Messrs. Bankhead, Connelly, Cotten, Davis of Bibb, Humphrey, Lawrence of Fayette, Malone, Manasco, McCoy of Russell, Moore, Morse, Odum, Padgett, Richardson, Sheffield, Steadham, Thrasher, Thorn, Vansandt, Walker, Warren of DeKalb and Williams of Jackson—23.

Message from the Senate

Mr. Speaker:

The Senate has originated and passed the following bills:

To form a new county to be called the county of Baine;

To establish the line between the counties of Cherokee and DeKalb, on the Lookout Mountain;

To authorize the coroner of Mobile to appoint a deputy coroner.

The Senate concurs in the amendment of the House to the bill to create a new county out of portions of Macon, Montgomery, Pike and Barbour counties, to be called the county of Bullock.

The Senate has passed the House bill in relation to the burnt, lost, or otherwise destroyed records and papers of the circuit, chancery, probate and commissioners courts of Limestone county.

M. TAYLOR, Secretary.

Mr. Smith of Choctaw, from a Select Committee on the Revised Code, reported the following bills:

To fix the compensation of the commissioner to revise the Code of Alabama;

To permit the commissioner to revise the Code to employ assistance during the recess;

To provide compensation for the assistant to the commissioner to revise the Code;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means;

Message from the Governor by Mr. Ben. H. Screws, his private Secretary :

EXECUTIVE DEPARTMENT, }
Montgomery, December 4, 1866. }

Mr. Speaker :

I am directed by the Governor to inform the House of Representatives that he this day approved bills, which originated in the House, of the following titles :

An act to authorize the administrator of W. H. Hiblen, deceased, to rent the lands of said estate ;

An act to incorporate the Opelika Cemetery ;

An act for the relief of the executors of Robert Curtis, deceased, late of Choctaw county ;

An act for the relief of the poor of Shelby county ;

To regulate admiralty proceedings in the circuit and city courts of Mobile county ;

To authorize the court of county commissioners of Marengo county to borrow twenty-five thousand dollars ;

To grant right of way to the Stone Street Railroad, in Mobile county ;

To authorize T. H. Lake, guardian, to make certain investments for the benefit of the minor heirs of James Lake, deceased ;

To regulate the times of holding the circuit courts in the counties of Bibb and Autauga ;

To regulate the mode of selecting grand and petit jurors for the county of Perry ;

To amend an act entitled an act to prevent the destruction of fish in the Tennessee river ;

In relation to the protection of crops within certain limits in Dallas county ;

To authorize the administrators of David H. Avery, deceased, to retain decedent's interest in the firm of Leach & Avery ;

To extend the jurisdiction of justices of the peace in Carrollton beat, in the county of Pickens ;

An act to prohibit the sale of spirituous or intoxicating liquors within two miles of the Academy and Church near Alfred Collins', in DeKalb county ;

An act to authorize the construction of street railroads in the city of Selma.

Very respectfully,

BEN. H. SCREWS,
Private Secretary.

Bills were introduced by—

Mr. Mabry, approving the consolidation of the Dalton and Jacksonville Railroad Company with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and act under the same ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to a select committee of Messrs: Mabry of Dallas, Davis of Bibb, Leeper of Shelby, McCann of Talladega, Borden of Calhoun, Potter of Cherokee, Ash of St. Clair, Bush of Marshall, and Lebbetter of Madison.

Mr. Mabry, to prevent and punish unlawful hunting and other trespass in the county of Dallas ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Gibson moved to amend by proviso, that all the counties in this State be exempt from the provisions of the bill except the county of Dallas.

The amendment and bill were referred to the Committee on Local Legislation.

Mr. Craig, a bill to confer jurisdiction on the city court of Selma in certain cases ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Craig, a bill to amend an act entitled an act to incorporate the Cahaba Insurance Company ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Leave of absence was granted Messrs. Whitfield and Williams of Randolph.

The House proceeded to consider the Senate messages.

Senate bills—

To amend an act to continue and complete the collection of the records of Alabama soldiers in the late war ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Military Affairs.

To amend the charter of the Mobile Trade Company ;

To regulate the compensation of members of the commissioners court of Clarke county ;

To regulate the fees of the judges of probate Clarke county ;

To authorize the Secretary of State to issue a patent to

George Brown, of Marion county, for certain lands therein described ;

To authorize the estate of Sam'l Pickens to be kept together by the administrator ;

To authorize the directors of the North-West Railroad Company to transfer the property, rights and privileges, of said company, to the Cahaba, Marion and Greensboro Railroad Company ;

To repeal section 8, 9 and 10, and to amend section 11 of an act entitled an act to establish the Canebrake Agricultural District, to provide for the securing of the same and the management of its affairs ;

To authorize the Cahaba, Marion and Greensboro Railroad Company to increase their capital stock and extend their road ;

To amend an act relating to county surveyors and treasurers in the counties of Marshall, Marion, Russell, Covington, Conecuh and Walker, as therein shown ;

To authorize the court of county commissioners of the county of Chambers to borrow money and provide the means of paying the same ;

For the relief of William C. Thomas, of Chambers county ;

To incorporate the Choctaw County Manufacturing company ;

To incorporate the Chickasabogue Manufacturing company ;

To incorporate the Occocoposa Manufacturing company ;

To amend an act entitled an act to incorporate the Planters and Merchants Insurance company of Mobile ;

To destroy the canceled bills or notes of the bank of Selma, now or hereafter received in the office of the Comptroller of Public Accounts ;

To require the Secretary of State to deliver copies of the acts and journals of the General Assembly to the State Printer within the time prescribed by law ;

To amend section 247 of the Code ;

To prescribe forms of letters of administration ;

To amend an act to amend section 1860 of the Code, approved January 27, 1858 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

For the preservation of oysters in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation ;

To allow Jonathan Cooper, of Macon county, to peddle within said county free of tax ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means ;

Incorporating the Southern Life Assurance and Trust Company of Mobile ;

To incorporate the North Port Wharf Company ;

To incorporate the Selma and Tuscaloosa Telegraph Company ;

To incorporate the town of Livingston, in Sumter county ;

To amend an act to incorporate the Citizens Mutual Insurance Company of Mobile ;

To incorporate the Home Insurance Company ;

To incorporate the Georgia Petroleum Company ;

To incorporate the Mobile Building Block Company ;

To incorporate the Central Mining and Manufacturing Company of Alabama ;

To incorporate the city of Greenville ;

To incorporate the Shoal Creek Transportation Company ;

To incorporate the Bell Factory Manufacturing Company ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to to the Committee on Corporations.

For the relief of S. B. Hudson, sheriff of Lauderdale county, and E. C. McWilliams, sheriff of Wilcox county ;

For the relief of John R. Earp, of Fayette county ;

For the relief of the sheriff of Pickens county ;

To provide blank books for records in Conecuh, Fayette and Jackson counties ;

To pay John Callahan the sum of five hundred and seventy-six dollars, in full, for repairing the furniture in the Senate Chamber ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

To authorize the probate judges of Tuscaloosa county to grant an order to the administrator of A. B. Dearing to sell real estate of said deceased ;

To provide for the trial of causes in which circuit judges or chancellors are incompetent to preside ;

To amend section 1966 of the Code ;

To regulate the issuance and return of executions from the county courts ;

To amend an act entitled an act to define the relative du-

ties of master and apprentice, &c., approved February 23, 1866.

To extend the provisions of an act therein named to the counties of Pickens, Fayette and Franklin ;

To relieve the trustees of LaGrange College, in Franklin county ;

To legalize the marriage between James Swan and Sally Kilgore, of the county of Randolph ;

To regulate the sale of personal property of decedents by order of courts of probate ;

To amend an act entitled an act making copies of deeds evidence in certain cases, approved December 12, 1853 ;

To repeal an act to amend section 2526 of the Code, approved November 29, 1866 ;

To amend section 2183 of the Code of Alabama ;

To amend section 2820 of the Code of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary ;

To authorize executors and administrators to rent lands privately ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cox offered the following amendment : Add after the word "administrator," the word "guardian," and after the word "rent," the words "or sell," ;

Which amendment and bill were referred to the Committee on the Judiciary ;

For the relief of Moses White, administrator of the estate of George R. Lybrook, of the county of Lauderdale ;

For the relief of Rodolph Hottinguer ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances ;

To amend section 728 of the Code ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cox moved to amend by striking out "four hundred," and insert "one thousand dollars" in lieu of all other fees ;

Mr. Walker moved to amend by striking out "four hundred," and insert "three hundred" ;

The bill and amendments were referred to the Select Committee on Retrenchments ;

To define the persons exempt from road duty, and limit the liability to work public roads .

Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on Public Roads and Highways.

To form a new county to be called the county of Baine ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on County Boundaries, with instructions to report on to-morrow.

On motion of Mr. Smith of Jackson, one member from each county from which portions will be taken to form the new county of Baine, was added to the Committee on County Boundaries :

Messrs. Brandon, Sheffield, Malone and Palmer, added.

Mr. Paggett gave notice that he would move to reconsider the vote by which the bill to relieve the trustees of LaGrange College, in Franklin county, was referred to the Committee on the Judiciary.

Mr. Vansandt gave notice that he would move to reconsider the vote by which the bill to amend an act to continue and complete the collection of the records of Alabama soldiers of the late war, was referred to the Committee on Military Affairs.

On motion of Mr. Whitfield,

The House adjourned till 10 A. M., to-morrow.

WEDNESDAY, December 5.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Journal of yesterday read and approved.

Leave of absence granted Mr. Vansandt.

Mr. Morse introduced a bill, to amend 1642 of the Code of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Morse, from the Committee on Local Legislation, by leave, reported favorably to the bill—

For the relief of Amanda L. Spangenberg, of the county of Choctaw ;

Report concurred in,

And the bill read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To extend the power of the city council of Montgomery, so as to authorize the issuance of notes amounting to \$100,000 to aid the Montgomery and Eufaula Railroad Company ;

To divide Marengo county into four commissioners districts ;

To amend an act to establish the city court of Eufaula ;

To authorize courts of probate to issue garnishments on money decrees in their courts ;

For the relief of C. J. McMahon ;

To authorize Chas. M. Wiley and Ann G. Wiley, citizens of Georgia, to qualify as executors of the last will and testament of John B. Wiley in Alabama ;

To incorporate the Mobile Paper Manufacturing Company ;

To incorporate the town of Gadsden, in Cherokee county ;

To make Isabella Maria Longmire and Caroline M. Baldwin, free dealers.

The Senate has passed the following House bills :

To increase the rates of toll of the Cahaba Bridge ;

To repeal an act the more effectually to prevent the offences of grand larceny, arson and burglary, approved December 15, 1865 ;

To change the time of holding the chancery court in the 12th and 9th districts of the Southern chancery division ;

Prescribing the manner in which executors, administrators and guardians shall execute their official bonds in Greene county ;

For the relief of executors, administrators and guardians ;

To repeal an act to authorize justices of the peace to take cognizance of and try cases of misdemeanors, approved January 20, 1866 ;

To incorporate the town of Richmond, in Dallas county ;

To regulate costs in cases where the judgment is reduced to a sum below the jurisdiction of the court, by reason of any of the causes mentioned in section 3 ordinance 26 of the State Convention ;

To authorize the probate court of Autauga county to grant letters of administration upon the estate of John A. Cotton, deceased, to Duncan McKeithen ;

To amend section 73 of an act to establish Revenue Laws of the State of Alabama, so far as it relates to the county of Covington ;

To amend section 7 of an act to provide for taking the census of the State of Alabama for the year 1866 ;

To re-charter a turnpike or raised way in Lawrence county;
The Senate has amended, as therein shown and passed, the
House bill—

To authorize the Secretary of State to furnish to probate
judges of Morgan and Lawrence counties certain books de-
stroyed during the war.

M. TAUL, Secretary.

Mr. Speaker read to the House a communication explana-
tory of his vote on the motion to lay the bill to alter the Con-
stitution of this State in regard to the qualifications of electors,
on the table, and asked that it be spread upon the journal.

The House refused to grant the request ;

Yeas 32 ; nays 50.

YEAS—Messrs. Bourland, Brandon, Brooks, Connelly, Cox,
Davis of Barbour, Davis of Bibb, Doster, Edwards, Gibson,
Goodwin, Grant, Hare, Lanier, Malloy, McBee, McCain, Mc-
Cann, McCoy of Russell, McKinstry, McLester, Meadors,
Moore, Morse, Potter, Robinson of Chambers, Smith of Choc-
taw, Tompkins, Vansandt, Waller, Williams of Jackson, and
Wilhite—32.

NAYS—Messrs. Ash, Bankhead, Bethea, Borden, Bush, Caf-
fey, Callaway, Clark of Lawrence, Craig, Crenshaw, Culver,
Dobson, Echols, Ellis, Faulk, Frazer, Freeman, Gafford, Gold-
thwaite, Hand, Hawthorne, Humphrey, Lawrence of Fayette,
Ledbetter, Leeper, Lindsey, Mabry, Manasco, McAlexander,
McCoy of Tallapoosa, McMillan, Odum, Oliver, Padgett,
Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Sea-
well, Sheffield, Steadham, Sturdivant, Thrasher, Walker, Whit-
field, Williams of Randolph, Woolf and Worthy—50.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed a bill to establish a
place of voting in Pine Flat precinct, in the county of Elmore ;

Joint memorial to Congress for a grant of land to the Sa-
vannah & Memphis Railroad Company.

M. TAUL, Sec'y.

SPECIAL ORDERS.

Engrossed bill—

To consolidate the offices of adjutant and inspector general
and quartermaster general ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Bills were introduced—

By Mr. Lanier, requiring the fords of water courses crossed by public roads to be kept in good condition ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Lanier, a preamble and joint resolution submitting to the people of the State the question of "convention" or "no convention";

Which was read the first time, and ordered to lie over one day ;

By Mr. Lanier, a bill to authorize J. C. Stansel, of Pickens county, to erect gates across a public road in said county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Malloy, a bill to exempt the property of widows, in certain cases, from taxation ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The House then proceeded to consider Senate messages.

Engrossed Senate bills—

To establish a place of voting in Pine Flat precinct, in the county of Elmore ;

To authorize courts of probate to issue garnishments on money decrees in their courts ;

To amend section 2632 of the Code of Alabama ;

To amend section 248 of the Code ;

To repeal section 979 of the Code ;

To prescribe a form of letters testamentary ;

To amend section 487 of the Penal Code ;

To explain and construe 11th sub-division of section 3 of charter 1, of an act entitled an act to establish revenue laws of the State of Alabama, approved February 22, 1866 ;

To aid the preservation of human life on railroad trains ;

To prevent the abatement of prosecutions by the repeal, revisions, amendments or alterations of laws ;

To extend the power of the city council of Montgomery, so as to authorize the issuance of notes amounting to \$100,000 to aid the Montgomery and Eufaula Railroad Company ;

To repeal certain sections of an act to amend the laws in relation to elections in certain cases, approved December 8, 1866 ;

To repeal section 2 of an act therein named, and to prevent the conversion of money by certain officers ;

To make it the duty of the court to impose the punishment in all offences punishable by hard labor ;

To repeal section 1097 of the Code ;

To regulate the mode of releasing persons held to bail in this State, when the grounds of bail are denied and where schedules are filed ;

To incorporate Cowbellion de Rakin Society of the city Mobile ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and passed.

Message from Senate:

Mr. Speaker :

The Senate has originated and passed a bill—

To allow Wm. S. Thorington to obtain license to practice law in all the courts of this State, if deemed qualified.

M. TAUL, Sec'y.

The Senate bills—

To authorize Dr. B. W. Grace, of the county of Greene, to sell certain trust lands in the county of Talladega ;

To regulate proceedings in chancery courts ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill—

To enlarge the jurisdiction of justices of the peace in cases of injury to stock by railroads, and for other purposes ;

Which was read the first and second times, under a suspension of the constitutional rule, and passed.

Yeas 66, nays 6.

YEAS—Messrs. Ash, Baukhead, Bourland, Brandon, Bush, Clark of Lawrence, Clark of Mobile, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Edwards, Ellis, Faulk, Freeman, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCann, McKinstry, McLester, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Whitfield, Williams of Jackson, Willhite, Woolf and Worthy—66.

NAYS—Messrs. Speaker, Bethea, Callaway, Hare, McCoy of Russell and Williams of Randolph—6.

The Senate bill—

To authorize the judges of probate in the counties of Perry, Greene and Pickens to hire persons confined as convicts in the jails of their respective counties and sentenced to hard labor, to work on the Cahaba, Marion and Greensboro Railroad ;

Was read the first and second times, under a suspension of the constitutional rule ;

And Mr. McKinstry moved the following amendment :

Provided, That when the sentence has been already rendered, the consent of the defendant shall first be given before he or she shall be put to work on said road or roads.

Adopted.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported favorably to the Senate bill—

To form a new county to be called the county of Baine.

Mr. Potter moved to amend the caption of the bill by adding after the word "Baine", from portions of Cherokee, DeKalb, Marshall, Blount, St. Clair and Calhoun counties ;

Adopted.

Mr. Warren moved to postpone the further consideration of the bill till the 16th of January next.

Lost.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 69 ; nays 16.

YEAS—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Clark of Lawrence, Connelly, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Echols, Edwards, Ellis Faulk, Frazer, Freeman, Gibson, Goldthwaite, Goodwin, Hand, Hare, Hawthorne, Henry, Humphrey, Lannier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malloy, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Meadors, Moore, Morse, Palmer, Pierce, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Whitfield, Williams of Randolph, Woolf, Worthy and Younge—69.

NAYS—Messrs. Bethea, Davis of Bibb, Gafford, Grant, Mabry, Malone, Manasco, McCoy of Russell, McKinstry, McLes-

ter, Odum, Oliver, Padgett, Warren of DeKalb, Williams of Jackson, and Wilhite—16.

Message from the Senate:

Mr. Speaker :

The Senate has originated and passed the bills :

To regulate the time of holding the circuit courts in the fifth judicial circuit ;

For the relief of the heirs of Thomas Lule, deceased.

M. TAUL, Secretary.

Mr. Mabry, from a select committee, reported favorably to the bill to fix the time and place of holding the regular terms of the circuit court of Selma ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To amend an act to regulate the office of attorney-general ;

To prescribe an additional oath to the officers of this State, and to repeal section 110 of the Code ;

To amend an act to increase the duties of overseers on public roads, and to prevent parties from joining fences to public bridges ;

To amend section 144 of the Code ;

To amend section 1242 of the Code of Alabama ;

To amend an act therein named, in reference to the bond of the Secretary of State ;

To provide for cessions to the United States of lands within this State, for certain specified purposes ;

To remove the administration of the estate of Robert B. Armistead, deceased, from the county of Mobile to the county of Montgomery ;

To authorize the coroner of Mobile county to appoint a deputy coroner ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill to provide for the working the roads, and building bridges, in Washington county ;

Was read the first and second times, under a suspension of the constitutional rule, and,

On motion of Mr. Younge,

Was laid on the table.

The Senate bill to regulate the time of holding the circuit courts in the fifth judicial circuit,

Which was read the first and second times, under a suspension of the constitutional rule, and,

On motion of Mr. Ellis,

Was postponed until the 15th of January next.

The Senate bill, to amend section 1 and 11 of "An act entitled an act to incorporate, Opelika and Talladega Railroad Company," approved December 9th, 1859, amended by an act entitled an act to amend the charter of the Opelika and Talladega Railroad Company, approved November 9th, 1861, and further amended by act, approved February 20th, 1866, entitled an act to amend an act entitled an act to amend the charter of the Opelika and Talladega Railroad Company, approved Nov. 9th, 1866 ;

Was read the first, second and third times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The Senate bill, to establish the lines between the counties of Cherokee and DeKalb, on the Lookout Mountain ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The House proceeded to consider the Senate resolution—

To appoint a joint committee of the two houses, to be composed of one from each Congressional District and two from the State at large, to apportion Senators and Representatives, and members of the Congress of the United States, among the several counties of the State, according to the census returns of 1866 ;

The House refused to concur in the resolution.

The House concurred in the amendment of the Senate to the House bill—

To amend an act entitled an act to regulate judicial proceedings, approved 20th, 1866.

On motion of Mr. Bankhead,

The House adjourned till to-morrow 10 o'clock, a. m.

THURSDAY, December 6.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Callaway.

Journal of yesterday read and approved.

On motion of Mr. Gibson, the reading of the journal was suspended.

On motion of Mr. Padgett, the vote was reconsidered by which the Senate bill—

To relieve the trustees of LaGrange College, in Franklin county,

Was referred to the Committee on the Judiciary, and

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Willhite, by leave, introduced a bill—

For the relief of the estate of the late James Blevins, of Winston county, and his sureties, for the administration of the estate of Josiah Blevins, of Morgan county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Gibson moved that the regular order of business be suspended, to enable him to offer a resolution, and for the purpose of receiving reports from standing committees; and that the Committee on the Penitentiary and State Capitol have leave to report first, after which the standing committees shall be called in order.

Adopted.

Mr. Gibson offered the following resolution, which was adopted:

Resolved, That the journal clerk of the House be, and is hereby authorized and required to complete the journals during the recess, for which he shall receive his regular per diem during the adjournment of this General Assembly.

Mr. Freeman, from the Committee on Penitentiary and State Capitol, made the following report:

The Committee on Penitentiary and State Capitol, to whom was referred that portion of the Governor's message which relates to the affairs of the prison, have had the same under consideration, and ask to submit the following:

That they deem it advisable to provide fully for the working of convicts who have been sentenced for the lighter grades of crime, outside the walls of the penitentiary, on railroads, mines, and other works of internal improvements, under such rules and regulations as may be established by the Inspector and approved by the Governor of the State.

They have examined the contract of Messrs. Smith and McMillan, the present lessees, and deem it equitable and just, and find that the securities taken by his Excellency for the faithful performance of the contract, and surrender and return of all the State property at the expiration of said contract, or upon violation of the same, is full and ample.

At a meeting of this committee, held on the 30th of November, ultimo, they appointed from their number a sub-committee, consisting of the chairman, Messrs. Robinson of Chambers, McCain and Brandon, to visit the prison and personally examine its condition, who did so, and reported as follows :

That they made a thorough examination of the Penitentiary, assisted by two of the inspectors, Messrs. Williams and Cabot, and found the same in good conditions. The sanitary regulations appear to be faithfully carried out, and the convicts generally in excellent health. The police regulations are well devised, and strictly, impartially and humanely executed and enforced by the present officers.

The number of convicts has greatly increased during the present year, until the prison is filled to its utmost capacity ; while a large additional number of convicts have been sentenced, and are now confined in the various county jails awaiting suitable arrangements for them at Wetumpka, supported at great expense to the State, rendering it imperatively necessary to enlarge the prison at once, or make full and ample provision for the working of convicts outside the prison walls.

That the owners of the lands north of the Penitentiary, in which is situated the spring from which water has hitherto been obtained for its supply, have refused the free use of the same, and demand pay for the privilege of using the water of said spring, at the rate of \$500 per annum.

Your committee therefore recommend that inasmuch as said land cannot be purchased by the State, except at a price which they deem exorbitant, authority be given the Governor, if he deem it expedient, for the sinking of such artesian or other wells, as he may find necessary in order to furnish the Penitentiary with plenty of water.

Your committee are of the opinion that the present lessees are complying faithfully with their contract before mentioned, and discharging their duties with integrity, skill and humanity, though at a pecuniary loss to themselves ; which loss must continue until the Legislature has had necessary time to authorize the working of convicts outside the walls of the prison, or until the contractors surrender their lease ; and that, therefore, it is exceedingly important, in justice to the lessees, and to the interest of the State, that a bill on this subject should by all means be passed before the coming recess.

Report of the committee received, and,

On motion of Mabry,

It was laid on the table.

Mr. Worthy introduced a bill—

To provide for paying the expenses of a committee to visit and inspect the penitentiary ;

Which was read the first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. Freeman, from the Committee on Penitentiary and State Capitol, reported back to the House the bill—

To authorize the lessees of the penitentiary to employ convicts outside of the walls,

With the following amendments :

Section 3. Be it further enacted, That hereafter, whenever any person shall be sentenced to hard labor in the penitentiary by any court of competent jurisdiction in this State, then such sentence shall be construed to include labor at such places as provided for in this act ;

Section 4. Be it further enacted, That all acts and parts of acts contrary to the provisions of this act are hereby repealed ;

Which amendments were adopted.

Mr. McKinstry offered the following amendment :

Provided, That as to all prisoners now under sentence, this act shall only apply upon the prisoner giving his consent thereto, which consent shall be filed in the office of Secretary of State.

Adopted.

The bill was read the third time and passed.

Mr. Sheffield, from the Committee on Military Affairs, reported favorable to the Senate bill—

To amend an act to continue and complete the collections of the records of Alabama soldiers in the late war.

Report concurred in, bill read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Whitfield,

The reports from the Committee on the Judiciary were suspended, to enable the committee on Ways and Means to report.

Mr. Whitfield, from the Committee on Ways and Means, reported an amendment to the bill—

To fix the compensation of the commissioner to revise the Code of Alabama.

Amend by striking out the word "five," and inserting in lieu the word "four," so as to read "four thousand."

Amendment adopted, and the bill read the third time, under the suspension of the constitutional rule, and passed.

Mr. Whitfield, from same committee, reported an amendment to the bill—

To provide compensation for the assistant to the commissioner to revise the Code ;

Amend by striking out the words "twenty-five hundred," and inserting in lieu thereof the words "two thousand ;"

Amendment adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Whitfield, from same committee, reported favorably to the bill—

To permit the commissioner to revise the Code to employ assistance during the recess ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Leeper, the report from the Judiciary Committee was suspended to enable the Committee on Internal Improvements to report.

Mr. Leeper, from the Committee on Internal Improvements, reported a substitute for the bill—

To authorize the Montgomery Mining and Manufacturing Company to open and construct roads to their mines and works, in Talladega county ;

Substitute adopted, and read the third time, under a suspension of the constitutional rule, and passed.

Mr. Leeper, from the same committee, reported adversely to the bill—

In relation to fences and protection of crops.

On motion of Mr. Freeman, the further consideration of the bill was postponed until 15th January.

On motion of Mr. Gibson, the reports from the Judiciary Committee were suspended to enable the Committee on Local Legislation to report.

Mr. Gibson, from the Committee on Local Legislation, reported favorably to the bill—

To drain Beech Creek Swamp, in Dallas county, and to assess a tax upon the owners of lands improved thereby ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Gibson, from the same committee, reported favorably to the bill—

To authorize the judge of probate of Morgan county to order the private or public sale of certain lands therein named ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

In relation to the office of county superintendants of education in the several counties of this State ;

To amend section 7, and to repeal sections 2, 3, 4 and 5 of an act entitled "An act to regulate judicial proceedings ;

To incorporate the Mobile Harbor and Railroad Company ;

To authorize John Whiting, commissioner and trustee, to make a deed to Isaac E. Young ;

To authorize H. J. Askew of Marengo county, as administrator of Dr. W. Woolf, to sell or rent certain lands privately ;

For the relief of William J. Bass, guardian of Henrietta Bishop, of Bibb county ;

To declare judgments liens upon the property of defendants ;

To incorporate the Vicksburg and Burnswick Railroad Company ;

To amend the charter of the "Stonewall Insurance Company" ;

To incorporate the Mutual Insurance Company of Selma ;

For the relief of the chartered Banks of this State, releasing the bonus now due and unpaid ;

To authorize the Governor to settle with William O. Winston of DeKalb county ;

And the Senate has passed the House bills—

To authorize Mrs. Mary Ann Taylor to rent or lease the estate of Jesse P. Taylor, deceased, by private contract ;

To establish a criminal court for the county of Montgomery, with civil jurisdiction ;

For the relief of Phillip T. Avery of Chambers county ;

To regulate the court of Middle Chancery Division of the State of Alabama ;

To incorporate the Noxubee Bridge Company ;

To incorporate the National Hotel Company of Selma ;

To form a new county to be called the county of Cleburne, from portions of Calhoun, Randolph and Talladega counties ;

To authorize W. H. Northington, as administrator of the estate of Lanceford Long, deceased, to rent the lands belonging to said estate privately ;

To fix the time of holding the circuit court of Montgomery county.

M. TAUL, Secretary.

Mr. McKinstry, from the Judiciary Committee, reported back to the House the bill—

To amend section 7, and to repeal sections 2, 3, 4, and 5 of

an act entitled an act to regulate judicial proceedings, and
On motion of Mr. Bankhead, it was laid on the table ;
And the Senate bill—

To amend section 7, and to repeal sections 2, 3, 4 and 5, of
an act entitled an act to regulate judicial proceedings, was
established ;

Which was read the first and second times, under a suspension of the constitutional rule, and

Mr. Smith of Choctaw, moved to amend by striking out that part of the bill that relates to contracts made since the first of May, 1865 ;

Which was lost ;

Yeas 14 ; nays 58.

YEAS—Messrs. Ash, Brandon, Clark of Lawrence, Cox, Crenshaw, Gibson, Hare, Mabry, Morse, Pierce, Potter, Raisler, Savage, Smith of Choctaw and Woolf—14.

NAYS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Clark of Mobile, Connelly, Cotten, Craig, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ellis, Frazer, Gafford, Goldthwaite, Goodwin, Grant, Hand, Hawthorne, Henry, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McKinstry, McMillan, Meadors, Moore, Oliver, Palmer, Padgett, Pipkin, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Choctaw, Steadham, Thorn, Walker, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Wilhite, Worthy and Younge—58.

Mr. Leeper moved the following amendment :

SEC. 1. *Be it further enacted*, That all contracts entered into after the passage of this act, whenever the parties agree and express such agreements, evidencing said contracts, that all stay laws are waived, that said contract shall be governed and enforced only by the laws in force on the first of January, 1861, or may hereafter be enacted.

SEC. 2. *Be it further enacted*, That in all contracts now existing the parties thereto may renew such contracts in writing, and if in so renewing such contracts shall express in such renewal all stay laws waived, then said contracts so renewed shall be governed and enforced only by the laws in force on the 1st day of January, 1860, any law to the contrary notwithstanding, except such as may hereafter be enacted ;

Which amendment was lost.

Mr. McKinstry moved the previous question and motion sustained.

Yeas 55 ; nays 21.

YEAS—Messrs. Speaker, Bankhead, Bethea, Bourland, Brooks, Bush, Caffey, Clark of Mobile, Craig, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ellis, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Henry, Lanier, Lawrence of F., Ledbetter, Leeper, Malone, Malloy, McBee, McCain, McCann, McCoy of Russell, McKinstry, McMillan, Meadors, Moore, Oliver, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Steadham, Sturdivant, Thorn, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Willhite, Worthy and Younge—55.

NAYS—Messrs. Ash, Brandon, Clark of Lawrence, Cox, Crenshaw, Echols, Hand, Hare, Lindsey, Mabry, McAlexander, McCoy of Tallapoosa, McLester, Morse, Odum, Pierce, Raisler, Smith of Choctaw, Smith of Jackson, Waller, Woolf—21.

The question then recurring upon the passage of the bill;

Was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 51 ; nays 20.

YEAS—Messrs. Speaker, Bankhead, Bethea, Borden, Caffey, Clark of Mobile, Connelly, Craig, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ellis, Faulk, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Lawrence of Fayette, Leeper, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Oliver, Palmer, Pipkin, Richardson, Robinson of Baldwin, Robinson of Chambers, Steadham, Sturdivant, Thorn, Tompkins, Waller, Warren of DeKalb, Whitfield, Williams of Randolph, Willhite, Worthy and Younge—51.

NAYS—Messrs. Ash, Bourland, Brandon, Bush, Clark of Lawrence, Cox, Crenshaw, Echols, Freeman, Hand, Hare, Henry, Lanier, Ledbetter, Lindsey, Mabry, McAlexander, Moore, Morse, Odum, Padgett, Pierce, Potter, Raisler, Savage, Seawell, Smith of Choctaw, Smith of Jackson, Williams of Jackson, and Woolf—30.

Messrs. Cox and Morse offered the following protest :

We are opposed to this bill because we believe it abrogates the stay law of last session, but are in favor of so amending said stay law that its provisions may not affect or injure the laboring classes of the country.

Message from the Governor, by Mr. Ben. H. Screws, his Private Secretary :

Mr. Speaker:

I am instructed by the Governor to inform the House of

Representatives that he has approved bills of the following titles:

An act in relation to the burnt, lost, or otherwise destroyed records or papers of the circuit, chancery, probate, and commissioners courts of Limestone county ;

To create a new county of portions of Chambers, Tallapoosa and Russell counties, to be called the county of Lee ;

To secure the privacy of the grounds of the Insane Hospital ;

For the relief of James B. F. Lindsey, of the county of Tallapoosa ;

To authorize the removal of the administration of the estate of W. F. Fitts from the county of Marengo to the county of Tuscaloosa ;

To regulate the practice in the circuit courts in the counties of Washington and Baldwin ;

To provide for the holding of two terms of the chancery court for the county of Choctaw, in each year ;

An act to prohibit the sale of ardent spirits, except for medical purposes, within three miles of the male and female academy at Pushmataha, in Choctaw county ;

An act to authorize the sheriff in DeKalb county to discharge the duties of bailiff or constable in Lebanon beat No. 71, of said county.

Message from the Senate ;

Mr. Speaker :

The Senate has originated and passed the following bills :

To change the time of holding the annual election of president and board of directors of the Tennessee and Coosa Railroad Company ;

To amend an act entitled an act to amend an act to authorize the commissioners court of Lauderdale county to issue treasury notes to pay for the building of important bridges, repairing of court house, and for other purposes, approved December 14, 1865 ;

To amend section 73 of an act to establish revenue laws of the State of Alabama, as far as it relates to the county of Lauderdale.

The Senate has passed the following House bills :

To authorize the judge of probate of Morgan county to order the private or public sale of certain lands therein named ;

To authorize the city of Montgomery to aid in building and equipping the South and North Alabama Railroad from Montgomery to Lime Kiln ;

To relieve the destitute of the State for the year 1867 ;

To form a new county to be called the county of Clay, from portions of Talladega and Randolph counties;

To authorize the lessees of the penitentiary to employ convicts outside the walls.

M. TAUL, Sec'y.

Mr. McKinstry offered the following resolution, which was adopted :

Resolved, That the Clerk of the House be authorized to employ additional clerical assistance to enroll bills passed before the recess of the General Assembly.

Message from His Excellency the Governor, by Mr. Ben. H. Screws, his Private Secretary.

EXECUTIVE DEPARTMENT, }
STATE OF ALABAMA, }
Montgomery, December 7, 1867. }

Gentlemen of the Senate and House of Representatives :

Events of vast importance are now transpiring, which bear with peculiar force upon the relations which Alabama sustains to the Union. To these events we cannot be indifferent; they are of so vital a character that we should give to them a calm, deliberate consideration.

As the chief executive of the State, I deem it a duty under the Constitution, to express in form the apprehension which you doubtless share with me, lest the stability of our affairs be suddenly broken up.

There is an unmistakable purpose on the part of those who control the National Legislature, to enforce at all hazards their own terms of restoration. The measures they propose threaten at once to reverse our progress toward the establishment of that permanent tranquillity which is so much desired by all.

To do so is to immeasurably augment the distress that now exists, and inaugurate confusion, the end of which no human prescience can foresee. To-day the cardinal principle of restoration seems to be favorable action upon the proposed amendment to the constitution, which I transmitted to you in my annual message.

Upon the merits of the amendment, my views are already known. They are founded upon principle, and are unchanged. The necessity of the case, I am now constrained to think, is different. We should look our true condition full in the face.

I therefore recommend anew to your consideration this

measure in the light in which it now presents itself, or such other measure as your wisdom may suggest.

Should you see proper to ratify it, and our full restoration follow, we may trust to time and the influence of our Representatives to mitigate its harshness. If, on the other hand, admission be delayed, the warning to our sister States may be relied upon to prevent that concurrence on their part which alone can give the measure practical effect.

Having done all, we may then commit our cause to a just God.

R. M. PATTON.

Mr. Pierce moved that the message be referred to the Committee on Federal Relations.

Mr. Grant moved to amend the motion by instructing the Committee to report on to-morrow ;

Which was lost.

Pending the discussion,

On motion of Mr. Pierce,

The House adjourned until 10 o'clock to-morrow.

FRIDAY, December 7th.

The House met pursuant to adjournment.

Prayer by Rev. I. T. Tichenor.

On motion of Mr. Sheffield,

The reading of the journal was dispensed with, in order to take up the Senate messages, reports from standing committees, and the Governor's message on the constitutional amendment ;

Which was carried.

SENATE MESSAGES.

The House concurred in the Senate amendment to the following House bills :

To authorize the court of county commissioners of Perry, Lawrence and Franklin counties to issue bonds to build bridges, to repair public buildings, and for other purposes ;

To authorize the Secretary of State to furnish to the probate judges of Morgan, Lawrence, Madison, Jackson, Conecuh, DeKalb and Fayette counties certain books ;

To increase the fees of certain officers in Mobile county ;

To require certain officers of Marengo and Russell counties to reside at the court house, or within one mile thereof ;

To enlarge and extend the time of holding the circuit court in the county of Limestone ;

To add a section, to be denominated section 3, to an act entitled an act to give a lien on the crop and stock for advances to assist in making the crop.

Messages from the Senate ;

Mr. Speaker :

The Senate has passed the following House bills :

Relating to the guardianship of Anson R. Bracket, and the transfer of his estate ;

To regulate the disposition of moneys arising from sales of property in attachment suits ;

To allow the officers of Barbour county to charge and receive fifty per cent. on the fees now allowed by law in the Code of Alabama ;

To incorporate the Merchants Insurance and Exchange Company at Selma ;

To incorporate the bar of Dallas county ;

To incorporate the Insurance Company of South Alabama ;

To incorporate the Phoenix Company of Mobile ;

In relation to Alabama Insane Hospital ;

To incorporate the Sipsey River Manufacturing Company ;

And has originated and passed the following bills :

To amend section 487 of the Penal Code ;

For the relief of P. Cayho, of Washington county ;

To repeal an act entitled an act to authorize the payment of the turnkey fees of jailors in this State, approved January 18, 1866 ;

To authorize John Jordan, guardian of Wm. H. Jordan, in the county of Marshall, to invest the funds of his ward in real or personal property ;

For the relief of Thos. C. Tartt, of Sumter county ;

To refund to the United States, or to such persons as shall pay to the United States, the public moneys appropriated by the State of Alabama from the Land Office at Greenville, Ala. ;

In relation to the office of the Superintendent of Education of Alabama ;

And has passed the House bills—

To drain Beach Creek Swamp, in Dallas county, and to assess a tax upon owners of lands improved thereby ;

For the relief of Rufus Forrester, of Randolph county ;

To amend an act to exempt from levy and sale certain property for the use of every family, in the counties of Jackson,

Madison, Marshall, Lawrence, Limestone, Franklin, and DeKalb.

The Senate has adopted joint resolution refusing to ratify the proposed constitutional amendment.

The Senate has originated and passed the following bills—

To ratify the action of the mayor and aldermen of the city of Tuscombina, in laying off and selling lots in said city ;

To provide for the collection and transportation of specimens to the Paris Univesral Exposition.

The Senate has passed the following House bills :

To consolidate the offices of Adjutant and Inspector General and Quarter Master General ;

To amend a charter of the Protestant Orphan Assylum, in Mobile ;

For the relief of the minor heirs of W. A. Williams, deceased, of Mobile ;

To provide compensation for the assistant of the commissioner to revise the Code ;

To fix the compensation of the commissioner to revise the Code of Alabama ;

To provide for paying the expenses of a committee to visit and inspect the Penitentiary ;

The Senate concurs in the amendments of the House to the Senate bill for the relief of Allen H. Johnston and James G. Barnes, of Tuscaloosa county ;

And has originated and passed the bill—

For the relief of James H. Rhea, Henry C. Taylor and W. W. Allen, of Montgomery, Alabama.

M. TAUL, Sec'y.

The following Senate bills were taken up :

To incorporate the Vicksburg and Brunswick Railroad Company ;

To incorporate the Home Insurance Company of Mobile ;

To authorize the Governor to settle with W. O. Winston, of DeKalb county ;

To incorporate the Mobile Paper Manufacturing Company ;

To amend an act entitled an act to amend an act to authorize the Commissioners Court of Lauderdale county to issue treasury notes to pay for building of important bridges, repairing the court house, and other purposes, approved December 14, 1865 ;

To amend an act entitled an act to incorporate the Northern Bank of Alabama, approved February 2, 1854 ;

To allow W. S. Thorington to obtain license in all the courts of this State, if deemed qualified ;

To incorporate the town of Livingston, in Sumter county ;

To incorporate the Georgia Petroleum Company ;

To divide Marengo county into four commissioners districts ;

To incorporate the Central Mining and Manufacturing Company of Alabama ;

To incorporate the Northport Wharf Company ;

To incorporate the Selma and Tuscaloosa Telegraph Company ;

To incorporate the Shoal Creek Transportation Company ;

To incorporate the Mobile Harbor and Railroad Company ;

To incorporate the Mobile Building Block Company ;

To incorporate the Gold Ridge Mining Company ;

To incorporate the Arbacoochee and North Alabama Gold Mining Company ;

For the relief of W. J. Bass, guardian of Henrietta Bishop, of Bibb county ;

To amend an act to incorporate the Citizens' Mutual Insurance Company, of Mobile ;

To authorize W. H. Northington, as administrator on the estate of Lanceford Long, deceased, to rent the lands belonging to said estate privately ;

To authorize judges of probate to appropriate, when necessary, a portion of the principal of the estates of wards for their education and support ;

To pay John Callahan the sum of \$576 in full, for repairing the furniture in the Senate chamber ;

To fix the time of holding the circuit court of Montgomery county ;

For the relief of P. Cayho, of Washington county ;

For the relief of C. J. McMahon ;

To amend an act to establish the city court of Eufaula ;

To incorporate the Mutual Insurance Company of Selma, Alabama ;

To authorize John Jordan, guardian of Wm. H. Jordan, in the county of Marshall, to invest the funds of his wards in real or personal estate ;

To change the time of holding an election for president and board of directors of the Tennessee and Coosa River Railroad Company ;

To amend section 76 of an act to establish revenue laws of the State of Alabama, as for as it relates to the county of Lauderdale ;

For the relief of the trustees of LaGrange College of Franklin county ;

To ratify the action of the mayor and aldermen of the city of Tuscumbia, in laying off and selling lots in said city ;

For the relief of chartered banks of this State, relieving them from the payment of the bonds due and unpaid to the State ;

Yeas, 43 ; nays, 30.

YEAS—Messrs. Speaker, Bankhead, Bethen, Bourland, Bush, Brooks, Caffey, Clark of Mobile, Craig, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Ellis, Faulk, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Humphrey, Lanier, Leeper, Mabry, McAlexander, McCann, McKinstry, McMillan, Pierce, Robinson of Baldwin, Seawell, Sheffield, Smith of Choctaw, Sturdivant, Tompkins, Williams of Jackson, Williams of Randolph, Woolf, Worthy and Younge—43.

NAYS—Messrs. Ash, Connelly, Cox, Culver, Freeman, Henry, Lawrence of Fayette, Ledbetter, Lindsey, Malone, Malloy, McBee, McCoy of Russell, McCoy of Tallapoosa, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Potter, Raisler, Richardson, Savage, Smith of Jackson, Steadham, Thorn, Warren of DeKalb, and Willhite—30.

Which bills were read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate joint memorial to Congress for a grant of land to the Savannah and Memphis railroad company,

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. McCoy of Russell, by leave, offered the following bill :

To regulate the time of holding the probate court in the county of Lee ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate messages continued.

The Senate bill to incorporate the town of Gadsden, in the county of Baine,

Was taken up and read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

REPORTS OF STANDING COMMITTEES.

The Judiciary Committee, through that channel, reported favorably to the following Senate bills :

To provide for the trial of cases in which circuit judges or chancellors are incompetent to preside ;

To extend the provisions of an act therein named to the counties of Fayette and Franklin ;

To regulate the issuance and return of executions from the county courts ;

To authorize Dr. B. W. Groce, of Greene county, to sell certain trust lands in the county of Talladega ;

To amend an act entitled an act making copies of deeds evidence in certain cases, approved December 12, 1853 ;

To repeal an act to amend section 2526 of the Code, approved November 29, 1866 ;

To amend section 2820 of the Code of Alabama ;

To amend section 2183 of the Code of Alabama ;

To regulate the sale of personal property of decedents by order of courts of probate ;

To amend section 1916 of the Code of Alabama ;

Which were read the third time and passed.

The Committee on Corporation reported adversely to the following bills :

To incorporate the Alabama Express Company ;

To incorporate the city of Greenville ;

Which reports were concurred in,

The Senate bill—

To authorize John Whiting, commissioner and trustee, to make a deed to Isaac E. Young ;

Was read the first and second time, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The Senate bill—

In relation to the office of County Superintendent of Education in the several counties of the State ;

Was read the first and second time, under a suspension of the constitutional rule, and referred to the Committee on Education.

The Senate bills—

To amend an act entitled an act to define the relative duties of master and apprentice, approved February 23, 1866 ;

To make Isabella Maria Lanquier, and Caroline M. Baldwin, free dealers :

To declare judgment liens upon the property of defendants ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary ;

The Senate bill—

To amend 111 of an act entitled an act to incorporate the Opelika and Talladega Railroad Company, approved Dec. 9th, 1859, amended by an act entitled an act to amend the charter of the Opelika & Talladega Railroad Company, approved Nov. 9th, 1861, and further amended by an act approved Feb. 20th, 1856, entitled an act to amend an act entitled an act to amend the charter of the Opelika & Talladega Railroad Company ;

Was favorably reported upon by the Committee on Internal Improvements, read the third time, and passed.

The Senate bill, to incorporate the Southern Life Insurance and Trust Company of Mobile,

Was favorably reported upon by the Committee on Corporations, and read the third time and passed.

The Senate bill, to authorize Charles M. Wiley and A. G. Wiley, citizens of Georgia, to qualify as executors of the will of John D. Wiley in Alabama ;

Was read the first and second times, under a suspension of the constitutional rule,

When the following amendment was offered by Mr. McKinstry ;

Which was adopted ;

Provided, That service of any process on either of the sureties or attorneys of the executors, shall be sufficient in all proceedings in the State ;

And the bill was read the third time, and passed.

SPECIAL ORDERS.

The hour of 12 o'clock having arrived, the special order was taken up.

House bill, to amend an act entitled an act to exempt from levy and sale certain property for the use of every family in the counties of Jackson, Madison, Lawrence, Limestone, Franklin and DeKalb ;

Which was read the third time, and passed.

On motion of Mr. Caffey, the special orders were suspended.

Mr. Smith of Choctaw, by leave, offered a bill, to compensate the clerk of the Committee on the Code, employed by the committee on the authority of the General Assembly ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Bethea offered the following resolution ;

Which was adopted.

Resolved, That the assistant clerks who have been engaged in enrolling bills of the House, be allowed to draw their pay

on certificate of the first clerk to the correctness of their accounts.

The Committee on Corporations reported favorably on the following bills :

To amend an act entitled an act to incorporate the Cahaba Insurance Company ;

To incorporate the Montgomery and Pickett's Springs Gravel Road Company ;

Which were read the third time, and passed.

The same committee reported back the bill—

To establish a new charter for the city of Selma, with the following amendment :

In section 24, 9th line. amended by erasing the word “approach,” and insert in lieu thereof, the word “landing ;”

Section 29 amended by adding as follows :

Provided, That such bridges be so constructed as not to impair or obstruct the free navigation of the Alabama river ;

Section 38, 20th line, erase words “twenty-five,” and insert “sixteen ;”

Section 40, 12th line, erase “six months” and insert “twelve months ;”

Also, same change in the 15th line of said section, and 26th line of same section amended by erasing the words “*feme covert* or insane person ;

Section 41, amend in 2d line, by erasing word “conclusive” and inserting “*prama facie* ;”

Section 56 be stricken out in full ;

Section 70 be stricken out in full ;

Which amendments were concurred in, and the bill read the third time, and passed as amended.

The Senate bills—

To authorize executors and administrators to rent lands privately, was reported by the Judiciary Committee as the substitute to the Senate bill ;

To authorize A. J. Askew, of Marengo county, as administrator of Dr. W. Woolf, to sell or rent certain lands privately ;

Which bill was amended by Mr. Cox, by inserting the word “sell” before the word “rent,” and the word “guardians” after the word “administrator ;”

Also, amend by striking out the words “or sale,” after the word “renting” in the next to the last line ;

Which bill and amendments were made the special order for 12 m. January 16, 1867.

The Senate bill—

To provide for the collection and transportation of specimens to the Paris Universal Exposition, was lost.

Yeas 24, nays 31.

YEAS—Messrs. Speaker, Ash, Brandon, Brooks, Clark of Mobile, Davis of Barbour, Doster, Echols, Ellis, Faulk, Gibson, Goldthwaite, Grant, Hare, Hawthorne, Leeper, Mabry, McCain, Potter, Smith of Choctaw, Williams of Randolph, Woolf, Worthy and Younge—24.

NAYS—Messrs. Borden, Bourland, Bush, Caffey, Crenshaw, Culver, Dobson, Gafford, Hand, Henry, Lawrence of Fayette, Ledbetter, Malone, Malloy, McBee, McCann, Meadors, Moore, Morse, Odum, Oliver, Padgett, Raisler, Robinson of Chambers, Savage, Sheffield, Steadham, Thorn, Walker, Warren of DeKalb, Williams of Jackson and Wilhite—31.

The Senate bill—

To refund to the United States, or to such persons as shall pay to the United States the public monies appropriated by the State of Alabama from the Land Office at Greenville, Ala. ;

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

Yeas, 52 ; nays, 20.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Brooks, Clark of Lawrence, Cox, Craig, Crenshaw, Davis of Barbour, Doster, Echols, Ellis, Faulk, Gafford, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Leeper, Mabry, Manasco, McBee, McCain, McKinstry, Meadors, Moore, Morse, Oliver, Palmer, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Savage, Seawell, Sheffield, Smith of Choctaw, Sturdivant, Thorn, Tompkins, Walker, Woolf, Worthy and Younge—52.

NAYS—Messrs. Bourland, Bush, Connelly, Dobson, Freeman, Hand, Lawrence of Fayette, Malone, Malloy, McCann, McCoy of Russell, McCoy of Tallapoosa, Odum, Padgett, Smith of Jackson, Steadham, Warren of DeKalb, Williams of Jackson, Williams of Randolph and Wilhite—20.

The Committee on Public Printing made the following report :

The Committee on Public Printing, to whom was referred a resolution of the House of Representatives, instructing them to inquire into the cause of delay in publication of the acts, the revenue laws, &c., of the last session, have had the same under consideration, and report, after making an investigation of the causes of said complaints, they find that no blame attach to your very able and industrious printers. The amount of printing ordered and done by them was almost double that of

sessions past, while the time allowed to execute the work remained the same ; that, in addition to publishing the acts, the Criminal Code, which covers 238 pages, was published, and even with this addition of labor, the acts were only delayed seven days beyond the time allowed by law. All of which is respectfully submitted, &c.

JAMES WILLIAMS,
(of Jackson county,) Chairman.

Which report was concurred in, so far as it relates to the State Printers.

Message from the Governor.

Mr. Speaker :

The Governor has approved a bill entitled an act to incorporate the National Hotel Company, of Selma ;

To authorize the lessees of the penitentiary to employ convicts outside the walls of the penitentiary:

BENJAMIN H. SCREWS, Private Sec'y.

On motion of Mr. —, the business of the House was suspended to take up the Governor's Message on the Constitutional Amendment.

On motion of Mr. —, the Governor's Message on the Constitutional Amendment, was referred to the Committee on Federal Relations. Yeas 50, nays 25.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Clark of Lawrence, Clark of Mobile, Cotton, Cox, Craig, Culver, Davis of Barbour, Doster, Ellis, Faulk, Freeman, Gibson, Goodwin, Grant, Hawthorne, Henry, Lanier, Ledbetter, Leeper, Mabry, Malloy, McCain, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore, Morse, Odum, Palmer, Padgett, Pierce, Pipkin, Potter, Savage, Smith of Choctaw, Steadham, Thorn, Walker, Williams of Randolph, Woolf and Worthy—50.

NAYS—Messrs. Bankhead, Connelly, Echols, Frazer, Hand, Humphrey, Lawrence of Fayette, Lindsey, Malone, McAlexander, McBee, McKinstry, Oliver, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Jackson, Sturdivant, Tompkins, Warren of DeKalb, Wilhite and Younge—25.

Message from His Excellency the Governor :

Mr. Speaker :

The Governor has approved the following bills :

For the relief of the minor heirs of W. A. Williams, deceased, of Mobile;

To authorize the court of county commissioners of Perry county, to issue bonds to build bridges, repair public building, and for other purposes.

To consolidate the offices of Adjutant and Inspector General and Quarter-Master General.

Very respectfully.

REN. H. SCREWS,
Private Secretary.

Mr. Worthy, moved to adjourn until the 15th day of January next;

Which was lost. Yeas 17, nays 59.

YEAS—Messrs. Ash, Brandon, Cotten, Culver, Davis of Barbour, Faulk, Goldthwaite, Goodwin, Humphrey, Lindsey, Malone, McMillan, Meadors, Odum, Oliver, Steadham and Worthy—17.

NAYS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Craig, Dobson, Doster, Echols, Ellis, Freeman, Gibson, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Lawrence of Fayette, Ledbetter, Mabry, Malloy, McAlexander, McBee, McCain, McCoy of Russell, McKinstry, Moore, Morse, Palmer, Padgett, Pierce, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctow, Smith of Jackson, Sturdivant, Thorn, Tompkins, Walker, Warren of DeKalb, Williams of Jackson, Williams of Kandolph, Wilhite, Woolf and Young—59.

Message from the Senate.

Mr. Speaker:

The Senate has passed the following joint resolution, and ask the concurrence of the House:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State of Alabama hereby refuses to ratify the proposed constitutional amendment as proposed by the Congress of the United States of America, by joint resolution of said Congress, at the last session thereof, to be numbered article 14 of said constitution, consisting of five sections inclusive.

On motion, the rules were suspended, in order to take up the above message from the Senate.

The Senate joint resolution was read the first and second times, under a suspension of the constitutional rule. when

Mr. Morse offered the following substitute by way of amendment :

WHEREAS, The Congress of the United States have submitted to the Legislatures of the several States an amendment to the Constitution of the United States, to be known as the 14th article of said instrument, when ratified by three-fourths of said Legislatures; And whereas, The duty of ratifying or rejecting the proposed amendment devolves upon this General Assembly before its final adjournment, and the members composing the same having been elected prior to the submission of the said proposition, and having no instructions from their constituents on said subject; And whereas, The rights of property, life and representation of the people of this State may depend upon the final disposition of this measure, and imperatively forbid hasty and ill-advised action on the part of this body; therefore, desiring to conform our action to this standard, and with no purpose to evade that just responsibility which is always reposed in the faithful representative—

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sheriffs of the several counties of this State be, and they are hereby authorized, empowered and required to open the polls of all the election precincts in their counties on the 2d Tuesday in January, 1867, for the purpose of testing the sense of the qualified voters of this State upon the question of ratification or rejection of the proposed amendment to the Constitution of the United States, known as the 14th article thereof; and that said election shall be governed in all respects by the laws now applicable to the election of members to the General Assembly.

2. *Be it further Resolved,* That the qualified voters of this State be and they are hereby invited to cast their votes at said election in manner and form as follows: All voters who are in favor of the ratification of said proposed amendment by the General Assembly of this State shall place upon their ballots the word, "amendment," and all those who are opposed to such ratification shall place upon their ballots the words, "no amendment."

3. *Be it further Resolved,* That these joint resolutions be published weekly for three consecutive weeks, in six newspapers, to be selected by the Governor;

Which substitute, by motion of Mr. Pierce,

Was laid on the table. Yeas 49; nays 24.

YEAS—Messrs. Bankhead, Bethea, Bourland, Bush, Caffey, Clark of Mobile, Cox, Craig, Culver, Davis of Barbour, Echols, Humphrey, Lanier, Lawrence of F., Ledbetter, Lindsey, Mabry, Ellis, Faulk, Gibson, Goldthwaite, Hare, Hawthorne, Henry, McAlexander, McBee, McCoy of Russell, McKinstry, McMullan, Meadors, Moore, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of J., Sturdivant, Thorn, Tompkins, Walker, Williams of Jackson, Woolf, and Worthy—49.

NAYS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Clark of Lawrence, Connelly, Cotten, Dobson, Doster, Grant, Hand, Malone, Malloy, McCain, Morse, Odum, Oliver, Palmer, Potter, Smith of Choctaw, Williams of Randolph, Wilhite and Younge—24.

Thereupon, Mr. Potter offered the following substitute by way of amendment to the Senate joint resolution in relation to the Constitutional amendment :

WHEREAS, Alabama, for the last twelve months and more, has been recognized and considered by every department of the Government of the United States as a State in the Union, except that her Senators and Representatives have not been admitted to their seats in Congress, and participation in the councils of the nation—

AND WHEREAS, There is now submitted to the consideration of the General Assembly of the State an amendment to the Constitution of the United States ; therefore—

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in view of the undefined and anomalous relation now existing between the State and the Government of the United States, the State having no representation in Congress, that we, the Representatives of the people of the State of Alabama, respectfully decline to take action on said amendment, as it does not appear that any action of this General Assembly in the premises can necessarily affect said relation.

Be it further resolved, That Congress be, and is hereby earnestly petitioned to consider and determine by some formal action in the premises, at as early a day as practicable, with what qualification and what conditions Senators and Representatives of this State shall be admitted to their seats in Congress, and what participation in the national councils, and submit the same to the people of Alabama, in whatever way the wisdom of Congress may deem best.

Be it further resolved, That the Governor of the State be, and he is hereby requested to forward to the President and

Congress of the United States an authentic copy of the foregoing preamble and resolution ;

Which substitute, on motion of Mr. Worthy, was laid on the table.

Yeas, 55 ; nays, 18.

YEAS—Messrs. Ash; Bankhead, Bethea, Borden, Bourland, Caffey, Clark of Mobile, Connelly, Cox, Culver, Davis of Barbour, Doster, Echols, Ellis, Faulk, Freeman, Gibson, Goldthwaite, Hare, Hawthorne, Henry, Humphrey, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCoy of Russell, McKinstry, McMillan, Meadors, Moore, Oliver, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thorn, Tompkins, Williams of Randolph, Woolf, Worthy and Younge—55.

NAYS—Messrs. Speaker, Brandon, Brooks, Bush, Clark of Lawrence, Cotten, Dobson, Grant, Hand, Lanier, McCain, Moore, Odum, Palmer, Potter, Walker, Williams of Jackson, and Wilhite—18.

Mr. Smith of Choctaw, moved to postpone the further consideration of the Senate joint resolution above until the 16th day of January next ;

Which was lost.

Yeas, 23 ; nays, 50.

YEAS—Messrs. Speaker, Ash, Brooks, Bush, Cotten, Craig, Davis of Barbour, Doster, Freeman, Grant, Hand, Henry, Lanier, Ledbetter, McCain, McCoy of Russell, Morse, Odum, Palmer, Potter, Smith of Choctaw, Williams of Randolph, and Wilhite—23.

NAYS—Messrs. Bankhead, Bethea, Borden, Bourland, Brandon, Caffey, Clark of Mobile, Connelly, Cox, Culver, Dobson, Echols, Ellis, Faulk, Gibson, Goldthwaite, Hare, Hawthorne, Humphrey, Lawrence of Fayette, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McKinstry, McMillan Meadors, Moore, Oliver, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Tompkins, Walker, Williams of Jackson, Woolf, Worthy, and Younge—50.

Upon the question being raised by Mr. Bethea, as to whether the Senate joint resolution ought to be read three several times or not, the Speaker decided that they should not be ; whereupon Mr. Morse appealed from the decision of the chair.

The Speaker's decision was sustained.

Yeas 55 ; nays 10.

YEAS—Messrs. Ash, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Clark of Mobile, Cox, Craig, Culver, Dobson, Echols, Faulk, Gibson, Goldthwaite, Hand, Hare, Hawthorne, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McCain, McCann, McCoy of Russell, McKinstry, McMillan, Meadors, Oliver, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Tompkins, Walker, Williams of Jackson, Woolf, Worthy and Younge—55.

NAYS—Messrs. Brooks, Grant, Malone, Moore, Morse, Odum, Palmer, Potter, Williams of Randolph, and Wilhite—10.

The Senate joint resolution was adopted.

Yeas 69 ; nays 8.

Those who voted in the affirmative are ;

Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Clark of Lawrence, Clark of Mobile, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Echols, Ellis, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, McAlexander, McBee, McCain, McCoy of Russell, McKinstry, McMillan, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thorn, Tompkins, Walker, Williams of Jackson, Woolf, Worthy and Younge—71.

Those who voted in the negative are—

Messrs. Connelly, Dobson, Doster, Grant, Malone, Malloy, Warren of DeKalb, Williams of Randolph and Wilhite—9.

The Speaker, (Mr. Cooper,) and others, gave reasons for their votes on the joint resolution rejecting the constitutional amendments ;

The Chair, in casting his vote, does not intend to be understood as committed against the amendment ; believing the action of the House on this resolution is not to have the force and effect of the law, and objecting to the form in which it is presented, he votes for the resolution, holding himself at liberty to vote on any future proposition in reference to said amendment as in his opinion the condition of the country, the exigency of the times, and the best interest of the people, now demand. His vote is cast at this time in consonance with what he believes to be the wishes of his constituents.

The undersigned votes against the Senate resolution, because he thinks it more safe to defer final action until a later period of the session.

[Signed]

JOHN GRANT.

I vote against the ratification of the proposed amendment, because I consider the action of this General Assembly would not give validity to the act; furthermore, being denied representation in the National Council, I deem it inexpedient to ratify acts in the formation of which we as a State had no voice.

[Signed]

SAVAGE, of Clarke county.

Message from His Excellency the Governor :

Mr. Speaker :

The Governor has approved the following bills :

To provide for the taking of the census of the State of Alabama, for the year 1866 ;

To repeal an act to establish revenue laws of the State of Alabama, so far as it applies to the county of Covington ;

To authorize the court of Barbour county, to levy a tax for county purposes ;

For the relief of executors, administrators and guardians ;

Prescribing the manner in which executors, administrators and guardians shall execute their official bond in Greene county ;

To regulate cost in cases where judgment is rendered, to a sum below a jurisdiction of the court, by reason of any of the causes mentioned in section 3, ordinance 26, of the State Convention ;

To authorize the probate court of Autauga county to grant letters of administration upon the estate of John A. Cotten, deceased, to Duncan McKeithen ;

To change the time for holding the chancery courts for the 12th and 9th districts of the Southern Chancery Division ;

To repeal an act the more effectually to prevent the offenses of grand larceny, arson and burglary, approved December 15, 1865 ;

To authorize Mrs. Mary Ann Taylor to rent or lease the estate of Jesse P. Taylor, deceased, by private contract ;

To provide compensation to the assistant to the commissioner to revise the Code ;

To fix the compensation of the commissioner to revise the Code ;

To re-charter the turnpike or raised way in Lawrence county ;

To establish a criminal court for the county of Montgomery; with civil jurisdiction ;

To incorporate the Choctaw County Manufacturing Company ;

To incorporate the town of Richmond, in Dallas county ;

To repeal an act authorizing justices of the peace to try cases of misdemeanor ;

To regulate the courts of the middle chancery division of the State of Alabama ;

For the relief of Phillip L. Avery, of Chambers county ;

To increase the rates of toll of the Cahaba bridge ;

To form a new county to be called the county of Cleburne from portions of Randolph, Calhoun and Talladega counties ;

To relieve the destitute of this State for the year 1867 ;

To form a new county to be called the county of Clay, from portions of Randolph and Talladega counties ;

To authorize the judge of probate of Morgan to order the private or public sale of certain lands therein named ;

To form a new county to be called the county of Baine ;

To drain Beech Creek Swamp, in Dallas county, and to assess a tax upon the owners of lands improved thereby ;

To aid in the preservation of human life on railroad trains ;

To amend an act entitled an act to regulate judicial proceedings ;

Relating to the guardianship of Anson R. Brackett, and the transfer of his estate ;

To exempt from levy and sale certain property for the use of every family in the counties of Jackson, Madison, Marshall, Lawrence, Limestone, Franklin and DeKalb.

Very respectfully,

BEN. H. SCREWS,

Private Secretary

Mr. Potter gave notice that he would reconsider the vote by which the joint resolution respecting the constitutional amendment was adopted on the re-assembling of the Legislature in January next.

On motion of Mr. McKinstry—

The House adjourned until 7 o'clock p. m.

EVENING SESSION, December 7.

Senate bill, for the relief of James H. Rhea, Henry B. Taylor, and Matt. W. Allen ;

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Governor.

Mr. Speaker :

The Governor has approved the following bills :

To authorize the corporate authorities of the town of Marion to enforce the collection of taxes for the legitimate purposes of the corporation ;

To regulate the disposition of monies arising from sales of property in attachment suits ;

To incorporate the Insurance Company of South Alabama ;

To incorporate the Sipsey River Manufacturing Company ;

To incorporate the bar of Dallas county ;

To increase the fees of the officers of Barbour county fifty per cent. .

Very respectfully,

B. H. SCREWS,
Priv. Sec'y.

Messrs. McCoy of Russell, Gafford and Crenshaw, by leave, record their vote aye on the Senate joint resolution rejecting the constitutional amendment, and Mr. Warren records his vote no.

On motion of Mr. Tompkins, the vote by which the Senate bill—

To incorporate the city of Greenville,

Was lost,

Was reconsidered and the bill recommitted to the Committee on Corporations.

Mr. Goodwin offered the following resolution,

Which was adopted :

Resolved, That the thanks of this House are due, and are hereby tendered to Hon. T. B. Cooper, for the faithful and impartial manner in which he has discharged his duties as presiding officer of this House. Also, to the Clerks and Door-keeper, for their attentive and efficient services.

The Senate bills—

To repeal an act to authorize the payment of the turnkey fees of jailors in this State, approved January 18, 1866 ;

Was read the first and second times, under a suspension of the constitutional rule, and ordered a third reading on to-morrow,

For the relief of Thos. C. Tartt, of Sumter county ;

Was read the first and second times, under the suspension of the constitutional rule, and referred to the Judiciary Committee.

In relation to the office of the Superintendent of Education for the State of Alabama ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

Message from the Governor—

Mr. Speaker :

The Governor has approved the following bills :

To authorize the Secretary of State to furnish the probate judges of Morgan, Madison, Jackson, Conecuh, DeKalb, Fayette and Lawrence counties, certain books destroyed ;

To increase the fees of officers in Mobile county ;

To authorize the commissioners court in Chambers county to issue treasury notes ;

For relief of defendants in judgments rendered upon contracts made between 1st of September, 1861, and 1st of May, 1865 ;

To incorporate the Merchants Insurance and Exchange Company of Selma ;

For the relief of James A. Rhea, and others ;

For the relief of the chartered banks of this State,

Very respectfully,

BEN. H. SCREWS,

Private Secretary,

Mr. Morse offered the following resolution, which was adopted :

I move a vote of thanks to Governor Patton for his integrity of purpose, his administrative abilities, and his devotion to the people of Alabama, displayed by him as Governor of the State, and hereby tender to him our hearty co-operation in his efforts to promote the public good.

On motion of Mr. Echols, the House adjourned until the 15th day of January, 1867, at 12 o'clock m.

HOUSE OF REPRESENTATIVES, }
JANUARY 15, 1867. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Upon the roll being called, 54 members answered to their names, which being a quorum, the House proceeded to business.

Those present were—

Messrs. Speaker, Ash, Bethea, Borden, Bouldand, Brandon, Brooks, Caffey, Clark of Lawrence, Connelly, Cox, Craig, Crenshaw, Davis of Bibb, Dobson, Doster, Frazer, Gafford, Grant, Hand, Hare, Hawthorne, Humphrey, Ledbetter, Leeper, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Moore, Odum, Oliver, Palmer, Padgett, Potter, Raisler, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Woolf—54.

On motion of Mr. Frazer,

The newly elected member from Macon, Mr. Ferguson, *vice* John H. Judkins resigned, came forward, took the oath, and recorded his name.

Mr. Mabry offered the following resolution :

Resolved, That the Clerk be instructed to inform the Senate that a quorum of the House is present, and ready for the transaction of business ;

Which was adopted.

Mr. McCoy of Russell moved to suspend the reading of the journals ;

Which was lost, and the journal read and approved.

Mr. Steadham, by leave, recorded his vote in favor of the Senate resolution rejecting the constitutional amendment.

Message from the Governor, by his Private Secretary, Mr. Screws.

Mr. Mabry moved, after the reading of the message, that it lie on the table, and five hundred copies be printed ;

Which carried.

Message from the Governor :

EXECUTIVE DEPARTMENT,
STATE OF ALABAMA,
MONTGOMERY, Jan. 15, 1867. }

Gentlemen of the Senate and

House of Representatives :

In my annual Message I gave a statement of the financial condition of Alabama at the time of your recent meeting. I deem it proper at this time to communicate some further information respecting the temporary loan of three hundred and fifty thousand dollars, which was negotiated with Winslow, Lanier & Co., of New York, and payable with interest, on the 1st of January, 1867.

In my former message, I expressed the opinion that, by the 1st of January, or soon thereafter, funds for the purpose of paying this loan might be realized by the sale of the State's bonds at par; or that, if desired, the time of payment might be extended until the State could meet it without embarrassing sacrifices. This opinion was fully justified by the information then before me. But soon after your adjournment for the recess, I was informed by Winslow, Lanier & Co., that an extension of time could not be granted. It was also ascertained that, in the peculiar political condition of the country, our bonds could not be sold except at a heavy discount. The parties from whom this loan was obtained, held State bonds to the amount of four hundred and fifty thousand dollars, as a pledge for the loan; and upon non-payment of the indebtedness, on the first of January, they had the right to place them in the market, and sell them for what they would bring.

This being the case, I concluded to visit New York in person, for the purpose, if possible, of arranging the loan in some way that would keep our bonds out of the money market under the present disadvantages. Such an arrangement I was fortunately enabled to make. An amount of money sufficient to pay the principal and interest of the loan, was obtained from Messrs. James A. Raynor, and William S. Williams, of the city of New York. These enterprising and liberal capitalists are named as two of the corporators in the charter recently granted for the New Orleans, Mobile and Chattanooga Railroad. They pay the amount due Winslow, Lanier & Co., taking, as collateral security, the hypothecated eight per cent. State bonds which have been held by that firm. For the amount thus obtained from Messrs. Raynor and Williams, the State's obligation will be given for six months from the 25th of January, with interest at the rate of seven per cent. per annum. I entertain no doubt that, at the expiration of the six

months, the time for paying the principal can be extended, if desired by the State. I think that, under all the circumstances, this is a very favorable arrangement in regard to this loan.

From Duncan, Sherman & Co., agents for the State in New York, I ascertained that, up to the 1st of January, 1867, they had extended, with new five per cent. State bonds, having twenty years to run, the sum of six hundred and ninety-two thousand dollars.

Of the arrear of interest, they had funded with five per cent. bonds, the amount of one hundred and eighty-one thousand two hundred dollars.

Besides this, the Commissioner and Trustee of the State, at Montgomery, has extended bonds to the amount of three hundred and ninety-one thousand dollars, and funded sixty-four thousand six hundred and seventy-five dollars of interest. This shows that the aggregate amount of bonds extended is one million twenty thousand dollars; and that the amount of interest funded is two hundred and forty-five thousand eight hundred and seventy-five dollars.

With Sherman, Duncan & Co., I also arranged for the payment of coupons due January 1, 1867, on fifty-three thousand five hundred dollars, of eight per cent. bonds, sold in St. Louis and elsewhere to procure supplies for the destitute, as stated in my annual Message.

While in New York I conferred fully with the United States Commissioners for the Paris Exposition. I found that they took a lively interest in having all the States properly represented. It may not be improper to observe that Alabama's interest has a special friend in F. A. P. Bernard, late of the University of Alabama, and now President of Columbia College, in New York. That learned gentleman is the principal Commissioner for the United States, and is particularly solicitous for a liberal contribution of the various mineral, and other specimens which will properly represent the vast natural resources of Alabama. I arranged with the Commissioner for the transportation, from New York to Paris, of all such articles as might be prepared and forwarded. A considerable variety of valuable specimens has already been furnished, and many more are confidently expected. I respectfully submit to the Legislature the question of making a limited appropriation to pay the expenses of transporting specimens from the interior of the State to Montgomery, and hence to New York. Several gentlemen of the State will visit Paris during the en-

suing spring, some of whom have kindly consented to act as agents to represent Alabama's interest at the Exposition.

In passing by Washington city, I availed myself of the opportunity of making known, by personal representations to the President and Secretary of War, the continued destitution which prevails in our State, and the urgent necessity for further assistance at the hands of the General Government. The application for additional relief was favorably responded to. An order was issued for a liberal amount of supplies for the months of February and March, arrangements having been previously made for January. It is hoped that by the aid thus generously furnished, we will be so far enabled to meet the wants of the helpless destitute during the present winter as to be saved the necessity of supplying them by the State in its depressed condition.

R. M. PATTON.

SPECIAL ORDERS:

The Senate bill to regulate the time of holding the circuit courts in the 5th judicial circuit,

Was taken up and referred to the Committee on the Judiciary.

Mr. McCoy of Russell, by leave, a bill to establish a place of voting in Brownsville and Johnson's precincts in the county of Lee ;

Which was read the first and second times—

When Mr. Meadors moved a reference to a select committee ;

Which was lost ;

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

The House bill, to repeal an act to prevent the sale of spiritous liquors at or within five miles of Mount Zion Church, Macon and Farmsdale Depot, and Pickens' old mill, in Marengo county ;

Was taken up, and on motion by Mr. Bethea, was postponed until 10 o'clock to-morrow.

On motion of Mr. Bethea,

The House adjourned until 10 o'clock a m., to-morrow.

JANUARY 16, 1867.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of yesterday read and approved.

Mr. Menefee, representative elect, to fill the vacancy occasioned by the resignation of Mr. --- of --- county, appearing in his seat, came forward and was duly qualified by taking the usual oath.

CALL OF THE COUNTIES.

Mr. Doster, a bill for the relief of Laura E. Houston of the county of Autauga;

Also, a bill for the relief of Charles J. Deramus of Autauga county;

Which were severally read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Meadors, a bill to declare James M. Norwood, a liner between the counties of Chambers and Lee, a citizen of Lee county; and to change the county line between said counties.

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Yeas 68, nays none.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Davis of Bibb, Dobson, Doster, Echols, Faulk, Frazer, Ferguson, Gafford, Grant, Hand. Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McMillan, Meadors, Menefee, Oliver, Palmer, Padgett, Pierce, Pipkin, Potter, Raiser, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf, and Worthy—68.

Mr. Smith of Choctaw, a bill to amend section 8 of an act entitled an act to incorporate the Gulf City Insurance company, approved December 10, 1861;

By Mr. Mabry, to authorize the mayor and common council of the city of Selma to issue treasury notes;

Also, a bill to revive the charter of the Alabama Medical Society, and change its name;

Also, a bill to authorize the removal of administration of the estate of Ab. W. Arnold, deceased, from the probate court Dallas of county to the probate court of Blount county;

By Mr. Craig, to legalize the election of intendant and town councilmen for the town of Cahaba;

By Mr. Ferguson, to authorize J. K. Barton to practice law in all the courts of this State ;

By Mr. Sheffield, to establish a medical board in the county of Marshall ;

Which bills were severally read the first, second and third times, under the suspension of the constitutional rule, and passed.

Message from the Senate, by Mr. Garrett.

Mr. Speaker :

The Senate has passed the following House bills :

To fix the time and place of holding the regular terms of the city court of Selma ;

To regulate the time of holding the probate court in the county of Lee ;

To authorize the Montgomery Mining and Manufacturing company to open and construct a road to their mines and works in Talladega county ;

For the relief of Amanda L. Spangenberg, of the county of Choctaw ;

Requiring the fords of water courses crossed by public roads to be kept in good condition ;

To establish a place of voting in Brownville and Johnson's precinct, in the county of Lee.

M. TAUL, Secretary.

Mr. Robinson of Chambers, a bill to prevent the carrying out of the State, apprentices, servants and laborers ;

Mr. Potter, a bill to amend an act entitled an act to authorize the substitution of lost records of judgments and decrees of courts, and other records ;

Mr. Smith of Choctaw, a bill to amend sections 1543 and 1544 of the Code of Alabama ;

Also, a bill for the relief of Cornelia Ann Nall, of the county of Choctaw ;

Also, a bill for the relief of Amanda B. Crumbly ;

Mr. Mabry, a bill for the relief of Wm. Watson ;

Also, a bill to change the name of Mrs. Jane H. Boaz ;

Mr. Pierce, a bill to give the probate court authority to grand guardians permission to hire labor, &c., and carry on the plantation, and cultivate the lands of wards ;

Also, a bill to provide the mode of giving constructive notice of a motion to enter satisfaction of judgments, or set aside

such entries when the party has removed from, or resides out of the State ;

Mr. Raisler, a bill to require the Chancellor to hold two terms of the chancery court each year in the county of Limestone ;

Mr. Woolf, a bill to extend the time in which executors and administrators may declare estates insolvent ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Select Committee on the Judiciary.

By Mr. Mabry, to exempt justices of the peace from jury duty :

Which was read the first and second times, under a suspension of the rule, and

Mr. Pipkin moved to amend, by inserting the word "constable," after the words "justice of the peace" ;

Amendment was adopted ;

And the bill referred to the Committee on the Judiciary.

By Mr. Mabry, to amend an act entitled "An act to incorporate the Fire and Marine Insurance Company of Selma ;

Also, a bill to incorporate the Alabama Life Insurance Company of Selma ;

By Mr. Craig, to incorporate the Selma Building and Loan Association ;

By Mr. Williams of Jackson, to incorporate the town of Stevenson in the county of Jackson ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

By Mr. Craig, for the relief of John Mosely, tax collector of Dallas county ;

Which was read the first and second times, under a suspension of the constitutional rule ;

On motion of Mr. Speaker, (Mr. Worthy in the chair,) the bill was referred to the committee on Ways and Means, with instruction to report a general bill.

By Mr. Cox, for the relief of Benj. Openheimer, a citizen of Lowndes county, Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Pierce, a bill for the relief of Wm. B. Hardaway, sheriff of Greene county.

Mr. Woolf, for the relief of E. C. England and Gordon Cunningham, of Marengo county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

SPECIAL ORDER,

Being the bill to prevent the sale of spirituous liquors at or within five miles of Mount Zion Church, Macon and Farmsdale Depots, and Pickens' old mill, in Marengo county.

On motion of Mr. Bethea, the bill was referred to a Select Committee composed of the delegation from Marengo, and Mr. Bethea was added to the Committee.

Mr. Clark of Mobile, introduced a bill, to amend an act entitled "An act to incorporate the Mobile Mutual Insurance Company ;"

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has passed the House bill—

To declare James M. Norwood, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the county line between said counties.

M. TAUL, Sec'y.

The hour of 12 m. having arrived—

On motion of Mr. Bethea, the general orders were suspended to proceed with the

CALL OF THE COUNTIES.

Mr. McMillan, a bill—

To authorize the administrator of the estate of Stanford Mmms, deceased, late of Marengo county, to rent or sell the lands of said estate by private contract ;

Also, a bill to amend paragraph 391 of the Penal Code of the State of Alabama ;

Also, a bill to amend an act to define the powers of justices of the peace in the counties of Dallas, Pickens and other counties ;

Mr. Connelly, a bill for the relief of D. G. Crowder, of the county of Randolph ;

Mr. McCoy, of Russell, a bill to regulate the pay of com-

missioners in taking depositions in civil and criminal cases ;
 Mr. Hare, a bill to provide for punishing justices of the peace in certain cases ;

Mr. McCann, a bill for the relief of Eddy Ann Henry, of Talladega county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Ash, a bill to amend an act to authorize certain settlements in the probate court of this State, approved December 9th, 1861 ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Woolf offered the following amendment :

And provided, That in every case where the papers in any estate have been removed from the office of the probate court to the office of the register in chancery, the same shall be returned to said probate office, and all orders and decrees made or rendered therein shall be entered on the minutes of the probate court by the register and signed by him as such.

Amendment adopted, and the bill referred to the Committee on the Judiciary.

Mr. Smith of Choctaw, a bill to amend an act entitled an act for the relief of defendants in judgments rendered upon contracts made between 1st of September, 1861, and 1st of May, 1865 ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Woolf moved the following amendment :

Provided, That when the decree was rendered, he shall refuse to reduce the same to the proper amount.

Amendment adopted, and bill referred to the Judiciary Committee.

Mr. Grant offered the following :

Mr. Speaker :

I observe in the lobby of this House an honorable member of the English Parliament, Mr. McGuire, a gentleman who is travelling through our country for the purpose of becoming (by personal inspection,) better acquainted with the resources of our country, the condition of our people, and the working of our institutions.

I move, that he be requested to accept the courtesies of this House, and that his Excellency, the Governor, who is in company with him, be requested to introduce him to the Speaker and House.

Mr. Caffey, a bill to make Calvin Runnels a citizen of Montgomery county ;

Also, a bill to make James F. Armstrong a citizen of Montgomery county ;

Mr. Ash, a bill to create an additional term of the chancery court for the 38th chancery district of the northern chancery division, composed of the county of St. Clair ;

Mr. Hare, a bill to authorize the court of county commissioners of Sumter county to issue bonds for county purposes ;

Mr. Wilhite, a bill to increase the fees of county commissioners in the county of Winston, and compel their attendance to said courts ;

Also, a bill to regulate the summoning of grand and petit jurors in the county of Winston ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Leeper, a bill for the relief of Wm. Ellison ;

Also, a bill for the relief of C. B. Elliott, sheriff of Shelby county ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Hare, a bill to incorporate the Gainesville Manufacturing Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Also, a bill to authorize the construction of a railroad between Gainesville and Eutaw, and a connection between roads at those points ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Whitfield, a bill to authorize the Governor to endorse the bonds of railroad companies now in progress of construction in the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and,

On motion of Mr. Whitfield,

Was made the special order of the day for Saturday, at the hour of 12, m.

Mr. Lindsey, a bill for the relief of W. O. Towns ;

Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. McCoy of Tallapoosa, a bill to change the line between Lee and Tallapoosa counties, so as to include all of beat No. 7, in Tallapoosa county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Woolf offered the following resolution, which was adopted :

Resolved, (the Senate concurring) That the present session of the General Assembly of Alabama be extended beyond the thirty days provided for in the constitution.

Yeas 67 ; nays 1.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Davis of Bibb, Dobson, Doster, Echols, Edwards, Faulk, Frazer, Ferguson, Gafford, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McMillan, Menefee, Oliver, Palmer, Pierce, Pipkin, Potter, Raisler, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—67.

NAYS—Mr. Padgett—1.

Mr. Mabry, from the Select Committee, reported a substitute for the bill approving the consolidation of the Dalton and Jacksonville Railroad Company, with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and act under the same.

Pending the discussion, on motion of Mr. Bethea, the House adjourned until 10 o'clock to-morrow.

THURSDAY, January 17.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Tichenor.

Journal of yesterday read and approved.

Upon the call of the counties, the following bills and resolutions were introduced :

Mr. Doster, a bill to confer additional powers upon the court of county commissioners of the county of Autauga;

Mr. Pipkin, a bill to make Robt. D. Thornton, a liner between the counties of Barbour and Bullock, a citizen of Barbour county;

Mr. Faulk, a bill to authorize the court of county commissioners, of Barbour county, to issue treasury notes to pay for the building of bridges, and other county purposes;

Mr. Gafford, a bill to make James M. Milton a citizen of Butler county;

Mr. Brandon, a bill to authorize Marcus S. Jones, of Cherokee county, to settle with his guardian, and for other purposes;

Mr. Smith, of Choctaw, a bill to authorize the court of county commissioners of Choctaw to make certain appropriations;

Mr. Chapman, a bill for the relief of tax payers in the county of Covington;

Mr. Cotten, a bill to make J. J. Bruner a citizen of Dale county;

Mr. Brooks, a bill to make R. R. Calvin, C. W. Cottingham, and T. S. Cottingham, liners between Lowndes and Crenshaw counties in this State, citizens of Lowndes county;

Mr. Steadham, a bill to levy a tax in Marion county;

Mr. McKinstry, a bill for the relief of Emma Dellett Desha, and for the relief of the heirs of Hindman Barney, deceased;

Mr. Tompkins, a bill to relieve Philander W. Parker from the disabilities of minority;

Mr. Worthy, a bill to compel administrators, executors, guardians and trustees to continue the administration and settlement of estates in certain cases in Pike county;

Mr. Williams of Randolph, a bill to declare R. S. Gray a liner between the counties of Randolph and Clay, a citizen of Clay county;

Mr. McCoy, of Russell, a bill to authorize the probate court of Russell county to grant an application of Mrs. M. E. Whitaker for dower;

Also, a bill for the relief of the sheriff of Russell county;

Mr. Ash, a bill to authorize the commissioners court of St. Clair to issue treasury notes for the purpose of repairing public buildings;

Mr. Hawthorne, a bill to remove the administration of the estate of Moses Kahn from Mobile county to Wilcox county, Alabama;

Also, a bill for the relief of Charles B. Williams, of Wilcox county;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Pipkin, a bill to declare William H. Davis and Willis D. Butt, liners between the counties of Russell and Bullock, and to make them citizens of Bullock ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas 73, nays none.

YAES—Messrs. Speaker, Ash, Bankhead, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Bibb, Doster, Edwards, Faulk, Frazer, Ferguson, Gafford, Goldthwaite, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasoo, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Menefee, Morse, Oliver, Palmer, Padgett, Pipkin, Potter, Raisler, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Wilhite, Woolf, and Worthy—73.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his Private Secretary.

Mr. Speaker :

The Governor has approved a bill which originated in this House—

To declare James M. Norwood, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the county line between said counties.

SAMUEL H. DIXON, Private Secretary.

Message from the Senate, by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize Burgess Bennett to take out letters of guardianship in this State ;

To regulate the time of holding the chancery court in the 8th district of the Southern chancery division at Montgomery ;

To prohibit the sale of vinous or spirituous liquors within two miles of the factory of Gibson, McDaniel & Co., in Tuscaloosa county ;

To repeal an act entitled an act to define the powers of justices of the peace in the counties of Dallas, Pickens, and other counties, approved February 23, 1866, so far as it applies to Montgomery and Tuscaloosa counties ;

To incorporate the Union Springs Savings Association ;

To give jurisdiction to the probate court of Marengo county over the estate of Benjamin F. Kelly, deceased.

The Senate has adopted the following joint resolution :

Resolved by the Senate, (the House of Representatives concurring,) That the presiding officers of the two Houses be requested and authorized to appoint the select committee provided for in section 34 of the Code, to examine the offices of the Comptroller and State Treasurer.

Resolved, That said committee, when appointed, shall have all the powers and perform the duties required in sections 35 and 36 of the Code, and shall be allowed to report at any time during the session.

Messrs Garrett, Moren, and Jackson of Morgan, constitute the Senate committee.

M. TAUL, Secretary.

Mr. Vansandt, a bill to define the duty of the judges of probate and justices of the peace in this State, in cases of vagrancy ;

Mr. Robinson of Chambers, a bill to define the duties of officers in certain cases, and authorizing liens on homesteads and other property ;

Mr. Cotten, a bill to amend section 44 of the revenue laws, on page 22 ;

Mr. Craig, a bill to amend section 9 of an act to establish revenue laws of the State of Alabama ;

Mr. Hare, a bill to repeal certain acts therein named, and to re-enact a proviso ;

Mr. McCann, a bill to declare what counties compose the 10th judicial circuit, and to appoint the time of holding courts in the same ;

Mr. Lindsey, a bill for the relief of minors who served in the Confederate service ;

Mr. Willhite, a bill making it the duty of the court on failure of prosecutor to sustain prosecutions to tax said prosecutor with cost ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his Private Secretary :

Mr. Speaker :

The Governor has approved a bill which originated in the House—

To establish a place of voting in Brownsville and Johnson's precincts in the county of Lee.

S. H. DIXON,
Private Secretary.

Mr. Chapman, a bill to attach township 6, range 17, in the county of Covington to the county of Crenshaw ;

Mr. Leeper, a bill to change the line between Shelby and Coosa counties ;

Which were severally read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Callaway, a bill to make Sarah Stokes, wife of John Stokes, a free dealer ;

Mr. Padgett, a bill for the relief of David Berry of the county of Jackson ;

Mr. McKinstry, a bill to authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county, and remove such assessor ;

Mr. Connelly, a bill for the relief of Columbus D. Reeves and his present wife, of the county of Randolph ;

Mr. Lindsey, a bill to relieve widows of small estate ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Craig, a bill for the relief of R. T. Harper, census taker, for the county of Dallas ;

Mr. Connelly, a bill for the relief of H. H. Wise, C. C. of Randolph county ;

Also, a bill for the relief of Lindsey McRea, Sheriff of Randolph county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Caffey, a bill to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank at Montgomery, approved December 12th, 1864 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

Mr. McCoy, of Tuscaloosa, a bill to aid agriculture in the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Message from the Senate by Mr. Garrett,

Mr. Speaker :

The Senate concurs in the House resolution that the present session of the General Assembly of Alabama be extended beyond the days provided for in the Constitution.

M. TAUL, Sec'y,

Mr Frazer offered the following resolution, which was adopted :

Some of the tax collectors of this State having refused to receive for taxes the bills of the old State bank and branches—

Resolved, That the Committee on the Judiciary be instructed to inquire into their authority for so rejecting said bills, and report to this House at the earliest day practicable, by bill or otherwise.

Mr. Ferguson—

WHEREAS, At a former session of this Legislature, a special committee was appointed to inquire into and report upon certain alleged violations of their charters by certain railroad companies in this State, in charging a higher rate for freight and passage than they were permitted to do by the provisions of their said charters.

And whereas, It is highly important to the citizens of the State that the truth or falsity of said alleged violations of the charters of railroad companies should be immediately established ; therefore—

Be it resolved, That said special committee be instructed to report without delay, 1st. Whether any railroad company in this State has violated its charter by demanding and receiving a larger rate for freight or passage than is warranted by such charter ; and 2d. If so, the name of such company ; and 3d. What action is necessary in the premises to protect the people.

Adopted.

GENERAL ORDERS,

The House resumed the consideration of the report of the Select Committee on the bill—

Approving the consolidation of the Dalton and Jacksonville Railroad Company with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and to act under the same;

On motion of Mr. Speaker, (Mr. Sheffield in the chair,) the bill and substitute were recommitted.

SPECIAL ORDERS,

Being the joint resolutions memorializing Congress to pass an act establishing a uniform system of bankruptcy;

Referred to Committee on Federal Relations.

The adverse report on the bill in relation to fences, and for the protection of crops, was taken up and recommitted to the committee.

The bill to repeal section 1556 of the Code of Alabama was taken up.

Mr. McCoy of Russell, moved to lay the bill and report on the table;

Which was lost.

Yeas 38; nays 40.

YEAS—Messrs. Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Craig, Dobson, Doster, Frazer, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Mabry, Malone, Malloy, Manasco, McBee, McCoy of Russell, McCoy of Tallapoosa, McKinsty, McLester, McMillan, Meadors, Menefee, Oliver, Palmer, Padgett, Pipkin, Raisler, Steadham, Thorn, Vansandt, Warren of DeKalb, Whitfield, Williams of Randolph, Wilhite, and Worthy—38.

NAYS—Messrs. Speaker, Ash, Bethea, Bordan, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Cox, Craig, Creunshaw, Culver, Davis of Bibb, Echols, Faulk, Ferguson, Gafford, Gibson, Hare, Henry, Mumphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, McCan, Morse, Pierce, Potter, Robinson of Chambers, Savage, Sheffield, Smith of Choctaw, Tompkins, Walker, Williams of Jackson, and Woolf—40.

The bill was then ordered to be engrossed for a third reading on to-morrow.

The Senate bill—

To authorize executors and administrators to rent lands privately;

Was ordered to be read a third time on to-morrow.

The bill authorizing the formation of corporations for manufacturing, mining, mechanical, chemical, mercantile and insu-

rance purposes, making railroads, turnpikes, canals, and water works, or any other purpose ;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Bethea, by leave,

Resolved, That the Committee on the Judiciary be instructed to report, as soon as convenient, the bill to exempt certain property from levy and sale, known as the "Homestead bill";

Adopted.

Mr. McKinstry, from the Judiciary Committee, reported for eight bills the following substitute :

To permanently exempt real and personal property from levy and sale under any legal process for the use of families in this State ;

When, on motion of Mr. Bethea, the bill was made the special order for Monday next, at 11½ o'clock, a. m., and 133 copies be printed.

Mr. Manasco, by leave, recorded his vote in favor of the joint resolution, and respecting the proposed amendment to the constitution of the United States.

The Speaker announced that Mr. Ferguson had been added to the Committee on Corporations and Local Legislation, and Mr. Meniffee to the Committees on Corporations and State Capitol and Penitentiary.

Leave of absence granted to Mr. Moore.

On motion of Mr. Echols, the House adjourned until 10 o'clock to-morrow.

FRIDAY, January 18.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal of yesterday read and approved.

On motion of Mr. Pierce, the call of the counties was suspended for the purpose of receiving reports from the Standing Committees.

REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. McKinstry, from the Committee on the Judiciary, reported adversely to the passage of the following bills :

To require parties to suits in any of the circuit courts of this State to pay cost before they can be allowed a continuance of their suits ;

To amend section 139 of the Code of Alabama :

To define the powers of justices of the peace in the county of Dale ;

To declare Lavinia E. Hudspeth, wife of Richard T. Hudspeth, a free dealer ;

To increase and regulate the fees of justices of the peace and constables in Marengo county, and to repeal an act therein named ;

To amend an act entitled an act to regulate judicial proceedings, approved Feb. 20, 1866 ;

To make Martha McReynolds, wife of Wm. McReynolds, of Fayette county, a free dealer ;

Defining the duty of grand jurors in cases of defaulting overseers of roads, &c. ;

To declare Dianna Husser, wife of John W. Husser, of the county of Coosa, a free dealer ;

The reports were severally concurred in.

Message from the Governor, by Mr. Samuel H. Dixon, his Private Secretary ;

Mr. Speaker :

I am directed by the Governor to inform the House of Representatives that he this day approved bills, which originated in the House, of the following titles :

To amend an act entitled an act to regulate judicial proceedings, approved Feb. 20, 1866 ;

To require certain officers of Marengo county to reside at the court house, or within one mile thereof.

SAMUEL H. DIXON, Private Sec'y.

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize the Secretary of State to furnish the judge of the 4th judicial circuit with Reports of the Supreme Court, in place of those lost during the war ;

To authorize Mrs. A. M. Carlton to invest the money of certain wards ;

To legalize the appointment of Alexander K. Martin, of Jefferson county, as trustee under the will of John and Sarah Martin ;

To legalize the action of the commissioners court of Morgan county upon certain matters therein contained.

The Senate has passed the following House bills:

To authorize the mayor and common council of the city of Selma to issue treasury notes;

To repeal an act establishing the Canebrake Agricultural District, so far as the county of Dallas is concerned.

M. TAUL, Secretary.

Mr. McKinstry, from the Judiciary Committee, reported favorably to the following bills—

To allow parties interested in settlements in probate courts, to require judges of probate to have the testimony in such settlements taken down in writing;

Requiring dockets to be kept by probate judges;

Prescribing the mode of giving notice of motions to enter satisfaction of judgments, or to set aside such entries, when any of the parties are non-residents;

To authorize Mary Hughes, of Franklin county, to make titles to a certain tract of land in Franklin county;

Which bills were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same Committee, reported favorably to the bill—

Authorizing courts of chancery and of probate to make equitable settlements with guardians;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. McKinstry, from the same committee, reported a substitute to the bill—

To regulate the powers of the probate courts of this State, in reference to the sale of lands;

The substitute was adopted, and the bill read the third time, under the suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported a substitute for the bill—

To amend the law of partnerships;

The substitute was adopted, and read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the bill—

Prohibiting judges of this State from practicing law in the courts of this State;

Lr. Leeper offered the following amendment:

Provided, The provisions of this act shall not prevent the judges of probate of Shelby, St. Clair and Jefferson counties from practicing in the circuit and chancery courts of this

State and the Supreme Court; *Provided*, That if the judge of probate has a partner, the partner shall not be allowed to practice in the probate court of his county;

Which was lost.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported a substitute for the bill to reorganize and regulate the terms and times of holding the courts of chancery in the middle chancery division;

Substitute adopted, and read the third time, under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, on motion of Mr. Mabry, the general orders were suspended for to-day, for the purpose of receiving reports from committees.

Mr. McKinstry, from the same committee, reported favorably to the bill to enable the Senate, House of Representatives, or the Governor, to obtain the opinion of the judge of the supreme court in certain cases;

Which was read the third time, under a suspension of the rule, and lost.

Yeas 35 ; nays 47.

YEAS—Messrs. Speaker, Borden, Bourland, Brandon, Bush, Clark of Mobile, Cotten, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Gafford, Hardie, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, McCain, McCann, McKinstry, Oliver, Owens, Palmer, Potter, Tompkins, Vansandt, Waller, Whitfield, Williams of Randolph, and Worthy—35.

NAYS—Messrs. Ash, Bankhead, Bethea, Brooks, Caffey, Callaway, Chapman, Connelly, Cox, Craig, Crenshaw, Davis of Bibb, Dobson, Gibson, Goldthwaite, Grant, Hand, Hare, Lawrence of Fayette, Lindsey, Mabry, Malloy, Malone, Manasco, McBee, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Menefee, Morse, Padgett, Pierce, Pipkin, Plowman, Raisler, Robinson of Chambers, Savage, Seawell, Steadham, Thrasher, Thorn, Walker, Warren of DeKalb, Williams of Jackson, Wilhite and Woolf—47.

Mr. McKinstry, from the same committee, reported adversely to the passage of the following bills :

To declare Martha Boggan, wife of Joseph Boggan, of Butler county, a free dealer ;

To define the powers of the justice of the peace in the State of Alabama ;

To increase the powers of the commissioners court in certain cases ;

To allow attachments taken out when a man leaves his county ;

To amend Section 162 of the Penal Code ;

For the relief of the estate of the late Jas. Blivins, of Winston county and his sureties, for the administration of the estate of Josiah Blivins of Morgan county ;

The reports were severally concurred in.

Mr. McKinstry, from the same committee, reported adversely to the passage of the following Senate bills :

To amend section 2396 of the Code of Alabama ;

To regulate proceedings in chancery courts ;

Reports severally concurred in.

Mr. McKinstry, from the same committee, reported adversely to the passage of the Senate bill—

To make Isabella Maria Languin and Caroline M. Baldwin, free dealers.

On motion of Mr. Worthy, the further consideration of the bill was postponed until Thursday next, and made the special order of that day at the hour of 12 m ;

Mr. McKinstry, from the same committee reported adversely to the passage of the bill—

To define and extend the operations of an act entitled an act for the relief of executors, administrators, guardians and trustees, approved February 23, 1866, and fix their liabilities ;

On motion of Mr. Gibson, the further consideration of the bill was postponed until Wednesday next, and made the special order of that day at the hour of 12 m. ;

Mr. McKinstry, from the same committee, reported adversely to the bill—

To allow probate judges to grant applications of *feme covert*s to become free dealers ;

On motion of Mr. Worthy, the further consideration of the bill was postponed until Thursday next, and made the special order of that day at the hour of half-past 12.

Mr. McKinstry, from the same committee, reported adversely to the bill to regulate the sale of real estate in the State of Alabama, and for other purposes, and—

Pending the consideration of which,

On motion of Mr. Whitfield,

The House adjourned till to-morrow, 10 o'clock, a. m.

SATURDAY, January 19.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Tichenor.

Journal read and approved.

Upon the call of the counties, the following bills and resolutions were introduced :

Mr. Pipkin, a bill to amend first section of an act entitled "An act to create a new county of portions of Macon, Montgomery, Pike and Barbour counties, approved December 5th, 1866 ;

Which was read first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas 80, nays none.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Henry, Humphrey, Lannier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malloy, Manasco, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Menefee, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Steadham, Thorn, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Willhite and Worthy—80.

Mr. Pipkin, a bill to remove the administration of the estate of Wm. V. Burney, deceased, from the county of Tallapoosa to the county of Macon ;

Mr. Savage, a bill to authorize the court of county commissioners of Clarke county to borrow money ;

Mr. Thorn, a bill to provide pay for the grand and petit jurors, and the court of county commissioners of the county of Franklin ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Meadors, a bill to declare Joseph H. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas 85 ; nays 0.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten,

Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Menefee, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Steadham, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph, Willhite, Woolf and Worthy—S5.

NAYS—0.

Mr. Gibson, a bill to incorporate the Cornwall Iron Works Company, and to grant said company certain privileges therein specified ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. McBee, a bill to declare certain citizens therein named to be citizens of Calhoun county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Meadors, a bill to declare Adaline A. Carleton, wife of W. J. H. Carleton, of the county of Chambers, a free dealer ;

Which was read the first and second times, under a suspension of the constitutional rule ;

When, on motion of Mr. Robinson, the bill was amended by adding the name of Elizabeth S. Gay, wife of John G. Gay, of the county of Chambers, and referred to the Committee on Local Legislation.

Mr. Morse, a bill to declare Ophelia P. G. Reed, of the county of Choctaw, a free dealer ;

Also, a bill for the relief of Thomas G. Cole, of Choctaw county ;

Also, a bill for the relief of Matilda Preslar, of Choctaw county ;

Mr. Edwards, a bill—

To authorize the court of county commissioners of Elmore county to establish an additional place of voting in said county ;

Mr. Ledbetter, a bill for the relief of Azariah Cobb, of Jackson county ;

Also, a bill for the relief of Daniel Ledbetter, of Madison county ;

Mr. Ferguson, a bill to make Mrs. M. E. Phillips, a married woman, a free dealer ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Edwards, a bill for the relief of W. H. Bagget, of Elmore county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Savage, a bill to educate maimed or disabled Alabama soldiers, under 30 years of age, free of charge ;

Which was read the first and second time, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Savage, a joint resolution to appoint a committee to examine the Comptroller's and Treasurer's reports, &c. Adopted.

And Messrs. Savage, McKinstry and Morse appointed committee on the part of the House.

Mr. Morse, a bill to confer additional powers on solicitors ;

Mr. Callaway, a bill the more effectually to quiet and prevent taking possession by fraud or violence, and to insure the return of property hired or loaned at the expiration of the time for which the same was hired or loaned, and to provide a summary remedy for the possession thereof ;

Mr. Pierce, a bill to repeal section 460 of the Penal Code of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Chapman, a bill for the relief of Nancy Wiggins, of the county of Covington ;

Mr. Bourland, a bill for the relief of Thomas M. Phillips, tax collector of Lauderdale county ;

Mr. Bankhead, a bill for the relief of A. J. Hamilton, sheriff of Marion county ;

Which were severally read the first, second and third times, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Mabry, a bill to incorporate the Selma Cotton Press Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Pierce, a bill to authorize F. M. Kirksey, of Greene county, to erect two gates across a public road in the said county ;

Mr. Culver, a bill to repeal an act entitled an act to repeal section 2447 of the Code, so far as it applies to Blount and Marshall and other counties therein named, approved November 24, 1861, so far as it applies to the county of Henry ;

Mr. Humphrey, a bill to establish the city court of Huntsville ;

Mr. Woolf, a bill to amend section 139 of the Code of Alabama as to Marengo county ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and passed.

Mr. Williams, of Jackson, petition of Lewis Davis and others of Jackson county ;

Referred to the Committee on the Judiciary.

Mr. Woolf, a bill to define the duties of probate judges in certain cases ;

Also, a bill for the relief of John T. Hollis, of Marengo county ;

Mr. McKinstry, a bill to prohibit the holding of public markets and trading therein on Sunday ;

Which were severally read the first and second times, under suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Sheffield, a bill for *pro rata* payment of existing county debts in the formation of new counties ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the Senate by Mr. Garrett :

Mr. Speaker :

The Senate has originated and passed the following bills :

To establish a medical board in the county of Jefferson ;

To extend the time for the collection of taxes ;

To amend an act to authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and issue bonds to pay the same, approved January 23, 1866 ;

To provide for the keeping of the Alabama State tract books, and to furnish registers from the same to the several counties of this State ;

To secure more effectually the assessment of taxes in this State ;

For the relief of Basil Manly Richards, of Tuscaloosa county ;

To amend the third part of section 4, of 1st chapter of an act to establish revenue laws of the State of Alabama, approved February 22, 1866 ;

To authorize the judge of probate for Conecuh county to substitute lost records of judgments and decrees of court and other records and papers.

The Senate has also passed the House bill to incorporate the Briarfield Iron Works Company, of the county of Bibb.

M. TAUL, Secretary.

Mr. Woolf, a bill to regulate and increase the fees of officers and jurors in the counties of Marengo, Greene and Perry ;

Which was read twice, under a suspension of the constitutional rule ;

When Mr. Hare moved to amend by adding the county of Sumter ;

Amendment adopted, and the bill read the third time, under a further suspension of the constitutional rule, and passed.

Mr. Bush, a bill to authorize and require the court of county commissioners of Marshall county to issue a certificate or county claim to R. Hampton, late sheriff of said county, &c. ;

Mr. McKinstry, to amend section 2275 of the Code, so that interpreters may be paid ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also, a bill granting to the city of Mobile the riparian rights on the river front ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Yeas. 73 ; nays 0.

YEAS—Messrs. Speaker, Ash, Borden, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Echols, Ellis, Faulk, Frazer, Ferguson, Gibson, Goldthwaite, Grant, Hand, Hare, Lanier, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCann, McKinstry, McLester, McMillan, Meadors, Menefee, Moore, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raiser, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Steadham, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb.

Whitfield, Williams of Jackson, Williams of Randolph, White, Woolf and Worthy—73.

NAYS—0.

Mr. McKinstry, a bill incorporating the Mobile Dredging and Towboat Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Message from the Senate by Mr. Garrett,

Mr. Speaker :

The Senate has adopted the following joint resolutions :

Resolved by the Senate, (the House of Representatives concurring,) That there be a joint committee of the two Houses, to consist of two members of the Senate and three from the House, to wait upon ex-Governor Parsons, and invite him to address the two Houses of the General Assembly in the hall of the House of Representatives at such times as may suit his convenience, and give such information in regard to the situation and prospects of the country as may be in his possession, and proper to be communicated.

Messrs. Bulger and Powell, of Macon, are appointed the Senate committee.

M. TAUL, Sec'y.

SPECIAL ORDER.

Being the bill to authorize the Governor to endorse the bonds of railroad companies now in progress of construction in the State of Alabama, and—

On motion of Mr. Whitfield, the bill was referred to the Committee on Internal Improvements, with instructions to report at the earliest time practicable.

The hour of 12 having arrived—

On motion of Mr. Clark of Mobile, the general orders were suspended to proceed with the call of the counties, when the following bills and resolutions were introduced :

Mr. McKinstry, a bill to incorporate the Fireman's Club of Mobile ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Manasco, a bill for the relief of D. L. Stovall and John Brown, of Walker county ;

Which was read twice, under a suspension of the constitu-

tional rule, and referred to the Committee on Accounts and Claims.

Also, a bill to prevent the court of county commissioners of Walker county from levying unlawful taxes ;

Mr. Tompkins, to incorporate the Alabama Board of Trustees, auxiliary to the American Printing House for the blind, and American University for the blind, and other purposes ;

Mr. Freeman, a bill to legalize the action of the court of county commissioners of Morgan county, in a certain case therein specified ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, a bill to give the consent of the State of Alabama to a donation made to the United States of a lot of land in the city of Mobile, county of Mobile, for the purpose of there constructing a National Cemetery, and also to the donation of a similar lot of land in the city of Montgomery, county of Montgomery, for a similar purpose, and to cede the jurisdiction over the same ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the delegations from Mobile and Montgomery.

Mr. Clark of Mobile, a bill for the relief of Mobile county ;

Which was read twice, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Tompkins, a bill to amend an act entitled an act to authorize notaries public to administer affidavits without seal, approved January 18th, 1866 ;

Mr. Seawell, a bill to change the time of payment of the salaries of officers of the State of Alabama ;

Mr. Lanier, a bill to confer additional powers on courts of county commissioners, in this State ;

Mr. Williams of Russell, a bill for the relief of Abram R. Drake, of Randolph county ;

Mr. Hare, a bill for the relief of executors, administrators and guardians.

Also, a bill in relation to the custody of the children of persons of color in cases of voluntary separation of husband and wife ;

Also, a bill to authorize appeals in civil cases from any court in this State without giving bond or paying cost ;

Also, a bill to abolish tax fees of attorneys in civil cases ;

Mr. McCann, a bill to authorize Mrs. C. F. Adair, widow of Weiman Adair, deceased, late of Talladega county, to sell a half interest in a mill site and water power for money, proper-

ty or labor, advanced to erect a mill or other machinery in lieu of one washed off by a freshet;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee;

Mr. Worthy, a bill to regulate the time of holding the circuit courts in the Sth Judicial circuit;

Which was read twice, under a suspension of the constitutional rule, and on motion of Mr. Ferguson, it was laid on the table.

Mr. Worthy, a bill to add the county of Bullock to the Sth judicial circuit;

Which was read twice, under a suspension of the constitution rule, and referred to a select committee of Messrs. Worthy, Odum, Callaway and Pipkin.

M. Worthy, a bill to authorize the administrator of Harrold Hobdy, deceased, late of Pike county, to dispose of the real estate of said deceased at private sale;

Mr. Leeper, a bill to remove the administration of the estate of James Albright from Montgomery to Shelby county;

Mr. McLester, a bill to authorize persons to keep and use skiffs or other crafts therein named, for conveying foot passengers across the Black Warrior River, opposite the city of Tuscaloosa;

Mr. Willhite, a bill to incorporate the Westville Male and Female Academies, in Dale county;

Which bills were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McCoy of Russell, a bill to regulate the time of holding the circuit court in the 9th judicial circuit;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee of four, from each county in the 9th judicial circuit, to-wit:

Messrs. McCoy of Russell, Ferguson of Macon, McCoy of Tallapoosa, Meadors of Chambers, and Frazer of Lee;

Mr. Ash, a bill to repeal sections 8, 9, 10, of an act, entitled an act to establish revenue laws of this State, approved January 16th, 1866, and for other purposes;

Mr. Willhite, a bill for the relief of Jonas Gibson and Jonathan Walker;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means;

Mr. Ash, a bill for the relief of St. Clair county ;

Also, a bill for the relief of Jesse C. Montgomery, jailor of St. Clair county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims ;

Mr. Lindsey, a bill for the relief of Sarah Jackson of Tallapoosa county ;

Mr. McCoy of Tallapoosa, a bill to authorize the court of county commissioners of Tallapoosa county to borrow money ;

Mr. McCoy, of Tallapoosa, a bill to declare Sena Stewart a free dealer ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bill :

To amend sections 16 and 22 of an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved November 24, 1866, and to add additional sections thereto, and respectfully ask the concurrence of the House therein.

M. TAUL, Sec'y.

Mr. McCann, a bill to authorize John P. Shaffer, county superintendent of Talladega county, to reside in Clay county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McCoy, of Tallapoosa :

Resolved, That the Committee on Accounts and Claims are required to investigate and report to the House by what authority officers of this House are paid for services rendered during recess.

Adopted.

Mr. Hare :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of abolishing the present county court system, and reporting a bill to this House embracing in substance the following provisos :

1st. Amending section 384 of the Penal Code, so as to give justices of the peace jurisdiction in their beats of the offenses therein named, concurrently with the circuit and city courts of the counties, and adding to list of offences so cognizable,

the enticing away of servants, laborers and apprentices, under contract for labor, and the abandoning of contracts for labor, in violation of the law, and employing them with a knowledge that they have so abandoned their contracts.

2. Providing for the summoning and empannelling a jury of six in such cases on demand of the party accused.

3d. Providing, that when the sentence, as the law now is, would be hard labor in the county, it may apply to labor upon any designated highway, street, bridge, or other public work in the town or beat where the offence is committed, or work on any railroad in the county.

Adopted.

Mr. Speaker, (Mr. Worthy in the chair,) resolution of thanks to Hon. Lewis Wyeth, of Marshall county, in this State;

Which was read three times, under a suspension of the constitutional rule, and adopted.

REPORT OF A SELECT COMMITTEE.

Mr. Mabry, from a select committee, reported a substitute for the bill approving the consolidation of the Dalton and Jacksonville Railroad Companies therein named, and to authorize the consolidated company to adopt a name and charter, and act under the same.

Pending which, on motion of Mr. Whitfield,

The House adjourned until Monday morning 10 o'clock a. m.

MONDAY, January 21.

House met pursuant to adjournment.

Pryer by the Rev. Mr. Matthews.

The journal was read and approved.

On motion of Mr. Morse, Mr. Ferguson was added to the select committee on Railroads.

Mr. Chapman, by leave, recorded his vote in favor of the joint resolution respecting the proposed amendment to the Constitution of the United States.

Mr. Whitfield moved to suspend the call of the counties to take up the revenue bill;

Which was lost.

Upon the call of the counties, the following bills and resolutions were introduced—

Mr. Davis of Bibb, a bill to constitute Sarah Webb, wife of John B. Webb, of the county of Bibb, a free dealer;

Mr. Speaker, (Mr. Gibson in the chair,) a bill to construe an act entitled an act to extend the jurisdiction of the courts of chancery in the settlements of insolvent estates ;

Mr. Gafford, a bill to declare Caroline T. Harrison a free dealer ;

Mr. Morse, a bill to compensate attorneys for defending indigent persons ;

Mr. Pierce, a bill authorizing the joining as parties defendant all the obligors on notes, bills, bonds, and other evidences of debt in action at law ;

Mr. Williams of Jackson, a bill to locate the capital of the State of Alabama at the city of Mobile.

Mr. Richardson, a bill to authorize the settlement of the administration of deceased executors, administrators, and guardians, and their security, and the means and mode of enforcing the same ;

Also, a bill to revive judgment in certain cases ;

Also, a bill to enforce liens of judgments ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Speaker, (Mr. Gibson in the Chair.) a bill for the relief of the securities of L. M. Stiff ;

Which was read the first and second times, under a suspension of the constitutional rule, when

Mr. Moore moved to amend, by adding Richard F. Cook, receiver of the Elba Land District ;

Amendment adopted, and the bill referred to the Committee on Ways and Means.

Mr. Gibson, a bill to attach the county of Bain, to the 5th judicial circuit of this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Select Committee of one from each judicial circuit.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend section 3 of an act to amend the laws regulating the settlements of estates of deceased persons, approved February 3d, 1858.

To establish an election precinct at Honoraville, in the county of Crenshaw.

The Senate has passed the following House bills :

To legalize the election for intendant and town councilmen for the town of Cahaba ;

To regulate the summoning of grand and petit jurors in the county of Winston ;

To authorize the removal of the administration of the estate of Absalom W. Arnold, deceased, from the probate court of Dallas county to the probate court of Blount county ;

To amend an act entitled an act to incorporate the Mobile Mutual Insurance Company ;

To revive the charter of the Alabama Medical Society, and to change its name ;

To increase the fees of county commissioners in the county of Winston, and compel their attendance at said courts ;

To amend the 8th section of an act entitled an act to incorporate the Gulf City Insurance Company, approved December 10th, 1861 ;

To authorize John K. Barton to practice law in all the courts of this State ;

To levy tax in Marion county ;

To confer additional powers upon the court of county commissioners of the county of Autauga ;

To authorize the court of county commissioners of the county of Choctaw to make certain appropriations ;

To authorize the court of county commissioners of Sumter county to issue bonds for county purposes ;

To amend the first section of an act entitled an act to create a new county out of portions of Macon, Montgomery, Pike and Barbour counties, approved December 5th, 1866.

M. TAYL, Sec'y.

Mr. Borden, a bill to change and define the line between the counties of Calhoun and Cherokee ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Speaker, (Mr. Gibson in the chair,) a bill authorizing judges of probate to issue executions for cost ;

Which was read twice under a suspension of the constitutional rule, when

Mr. Morse moved to amend by adding after "judges aforesaid," the words, "or their predecessors."

Amendment adopted, and the bill referred to the Judiciary Committee.

Mr. Speaker, (Mr. Gibson in the chair,) a bill for the relief of W. J. Anderson, tax assessor for Cherokee county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Smith of Choctaw, a bill to empower the court of county commissioners of Choctaw county to furnish blanks for certain public officers of said county ;

Mr. Smith of Jackson, a bill to amend an act entitled an act to enlarge the jurisdiction of the justices of the peace, in cases of injury to stock by railroads and for other purposes, approved Dec. 7, 1866 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Lawrence of Fayette, a bill for the relief of Joseph S. Clifton and James H. Moore ;

Mr. Moore, a bill for the relief of George F. A. Parsons, jailor of the county of Coffee ;

Which were severally read the first and second times under a suspension of the constitutional rule and referred to the Committee on Accounts and Claims.

Mr. Mabry, a bill to continue in force the right of the Selma and Montgomery Navigation Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Goodwin, a bill to incorporate the Sipsy Falls Manufacturing Company ;

Mr. Richardson, a bill to change the name of the Tennessee and Alabama Central Railroad Company ;

Which were severally read the first and second times, under a suspension of the rule, and referred to the Committee on Corporations.

Mr. Goodwin, a bill for the relief of J. M. Downs, tax assessor of Franklin county ;

Also, a bill to make Mrs. Elizabeth Greenhill, of Franklin county, a free dealer ;

Mr. Smith of Jackson, a bill to relieve Nancy Lusk, of Jackson county, from the pains and penalties of bigamy ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

SPECIAL ORDER.

The hour of 11 4-2 o'clock having arrived,

The House proceeded to consider the special order, it being the substitute,

To permanently exempt real and personal property from levy and sale, under any legal process for the use of families in this State, reported by the Judiciary Committee on several bills.

The Speaker ruled that the report of a substitute, embracing parts of several bills, was not in order; that the bill reported could be received as an original bill, but not as a substitute.

Mr. Tompkins appealed from the decision of the chair to the House. The appeal was sustained, and the substitute adopted.

Mr. Bethea offered a substitute to exempt certain real and personal property from levy or sale by any legal process; and;

Pending the discussion, on motion of Mr. Morse,

The further consideration was postponed until half-past 11 o'clock on to-morrow, and made the special order of the day.

On motion of Mr. Bankhead, the general orders were suspended, to proceed with the

CALL OF THE COUNTIES.

When the following bills and resolutions were introduced :

Mr. Richardson, a bill to repeal an act to prohibit the sale of liquors within certain limits in Limestone county ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Humphrey, a bill to provide for the payment or extension of the indebtedness of Madison county ;

Also, a bill to legalize the issuance of certain bonds therein named ;

Mr. Ledbetter, a bill to require the payment of the State and county tax on licenses granted by the mayor and aldermen of the city of Huntsville to be made to the judge of probate of the county of Madison ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Bankhead, a bill—

To form a new county out of portions of Marion and Fayette counties, to be called the county of Stonewall ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Ferguson, a bill for the relief of Thomas B. Jones, former jailer of Macon county ;

Mr. Bush, a bill for the relief of Thomas C. Barclay, late clerk of the circuit court of Marshall county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. McKinstry, a joint resolution in reference to the navigation of the Coosa river ;

Which was read the first and second times, under a suspension of the constitutional rule, when Mr. Manasco moved to amend by appropriating \$3,000 for the survey of the Warrior river, above the head of navigation ;

The amendment and bill were referred to the Judiciary Committee.

On motion of Mr. Echols,

The House adjourned until 10 o'clock, a. m., to-morrow.

TUESDAY, January 22d.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Matthews.

Journal read and approved.

The Speaker laid before the House the following communication from Mr. D. L. Dalton, Secretary of State,

Which was referred to the Committee on apportionment:

OFFICE OF THE SECRETARY OF STATE, }
Montgomery, Ala., January 21st, 1866. }

Hon. Thos. B. Cooper, Speaker of the House of Representatives :

SIR: I herewith transmit to the House of Representatives a copy of the census returns of Alabama, as made to this office, under the provisions of the census act of February 21, 1866.

From these returns, embracing all the counties in the State, I have compiled two tabular statements, which are also transmitted. Table number one, exhibits the entire population by counties, distinguished by sexes, and classified decimally, so as to show the ages of each class from ten years and under, up to one hundred. It also embraces the number of persons who were killed and disabled, and who died of disease during the recent war.

It further shows the number of insane white persons, epileptics, and idiots, in each county. Table number two, shows the colored population classified in the same manner, respecting age and sex, as the white population in table number one. The preparation of these tables has involved considerable labor,

and much care; but it was supposed that they might be of some value as exhibiting general results in a condensed form. With each county return, there is a recapitulation sheet, showing the white population by townships, together with the number of colleges, academies, and common schools in the different counties, and the number of scholars attending each. The aggregate population of the State is as follows :

Whites	522,799
Colored	422,445

Total 945,244

This is a decrease of 18,957 since 1860, as shown by the United States census of that year; the diminution of whites, 3,632, and of the colored, 15,325.

Very respectfully,

Your obedient servant,

D. L. DALTON,
Sec'y of State.

Mr. Moore, by leave, withdrew from the committee the bill for the relief of Geo. C. Parsons, jailor of Coffee county.

Mr. Doster moved to suspend the call of the counties to take up the school bill;

Lost.

Upon the call of the counties, the following bills and resolutions were introduced:

Mr. McKinstry, by leave,

Resolved by the House of Representatives of the State of Alabama, (the Senate concurring) That a committee of two from each House be appointed to confer with the Governor, Secretary of State, Comptroller, and Treasurer of the State, to ascertain the amount of the presently accruing liabilities of the State, the resources to meet such liabilities, and what amount, if any, it may be necessary to provide therefor.

Said committee to report without delay. The resolution was adopted;

And Messrs. McKinstry and Echols were appointed the Committee on the part of the House.

Mr. McKinstry, a bill to extend the jurisdiction of chancery courts;

Also, a bill to amend section 152 of the Code of Alabama;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. McKinstry, a bill to abolish the office of commissioner

and trustee, for closing any remaining unsettled business of the State Bank and Branches, and to provide for the payment of the foreign debt of the State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Tompkins, a bill relative to the inspection, gauging, weighing and measuring of goods, wares, produce and merchandize ;

Mr. Freeman, a bill to amend an act entitled an act to prevent the sale of spirituous liquors in quantities less than one gallon, within three miles of Danville, in Morgan county ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Tompkins, a bill to change the boundary line between the counties of Marion and Fayette ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Caffey, a bill to authorize the commissioners court of Montgomery county to levy a special tax ;

Which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Caffey, a bill to repeal certain acts to amend the charter and fix the eastern boundary of the city of Montgomery ;

Which was read twice, under a suspension of the constitutional rule ; when,

On motion of Mr. Bethca, the farther consideration of the bill was postponed untill 12 o'clock m. to-morrow, and made the special order of the day.

Message from the Senate by Mr. Taul :

Mr. Speaker :

The Senate has passed the following House bills :

To authorize the commissioners court of St. Clair county to issue treasury notes for the purpose of repairing public buildings ;

For the relief of tax payers in the county of Covington ;

To authorize Marcus S. Jones of Cherokee county, to settle with the guardians, and for other puposes ;

To remove the estate of Moses Kahn from Mobile county to Wilcox county ;

To grant authority to the probate court to distribute real

estate by sale or division, when such property has been received under the law authorizing executors, administrators, etc., to compromise bad and doubtful claims.

The Senate has originated and passed the following bills :

To amend an act passed on the 23rd day of February, 1866, entitled an act to incorporate the Bienville Water Works Company ;

To amend section 2566 of the Code of Alabama ;

For the protection of executors, administrators and guardians in Bibb county ;

To regulate the time for the election of State Printer, and the term of his office ;

For the relief of James Hill, jr., administrator of Robert Hill, deceased ;

For the relief of James H. Wright, of the county of Chambers ;

To amend an act to encourage immigration and to encourage immigrant labor ;

To reorganize the Centreville Bridge Company ;

To fix the fees of the clerk of the supreme court for binding up the records of the supreme court cases ;

To amend section 6 of an act entitled an act to regulate judicial proceedings, approved January 20, 1866 ;

To amend an act in relation to elections in certain cases, and to except the clerk of the circuit court from the provisions of said act ;

To amend section 174 of the Penal Code ;

To amend section 511 of the Penal Code ;

To require sheriffs and other officers selling lands to make letters or deeds thereto ;

To construe an act entitled an act to regulate judicial proceedings, approved January 20, 1866 ;

To provide for the demanding of abstracts of titles in real actions ;

To amend section 679 of the Penal Code ;

To authorize the probate judge of Pike county to grant letters of administration on the estate of Homer V. Howard, to Elizabeth G. Howard, a citizen of Georgia.

M. TAUL, Secretary.

Mr. Freeman, a joint resolution in reference to the charter of the Tuscaloosa Scientific and Art Association ;

Which was read the first and second times, under a suspension of the constitutional rule, when

Mr. McKinstry moved to refer the resolution to the Committee on the Judiciary ;

Lost.

Yeas 20, nays 68.

YEAS—Messrs. Bankhead, Bourland, Brooks, Cox, Davis of Bibb, Echols, Edwards, Ellis, Ferguson, Goodwin, Henry, McKinstry, McLester, Odum, Oliver, Pierce, Seawell, Smith of Choctaw, Williams of Randolph and Wilhite—20.

NAYS—Messrs. Bethea, Borden, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Faulk, Frazer, Freeman, Gafford, Gibson, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Menefee, Moore, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Woolf, Worthy and Younge—68.

The resolution was then read the third time, under a further suspension of the constitutional rule, when

Mr. McKinstry moved to reconsider the vote by which the resolution was put upon its third reading ;

Lost.

Mr. Echols moved to postpone the final vote until Monday next at the hour of 12 m., and make it a special order of that hour.

Lost.

Yeas 14, Nays 72.

YEAS—Messrs. Brooks, Cox, Craig, Davis of Bibb, Echols, Edwards, Ellis, Henry, Leeper, McCann, McKinstry, McLester, Seawell and Williams of Randolph—14.

NAYS—Messrs. Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Crenshaw, Culver, Davis of Barbour, Dobson, Doster, Faulk, Frazer, Freeman, Ferguson, Gafford, Gibson, Goldthwaite, Grant, Hand, Hardie, Hawthorne, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, McMillan, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn,

Tompkins, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Wilhite, Woolf, Worthy and Younge—72.

The resolution was then adopted.

Yeas 68, nays 22.

YEAS—Messrs. Ash, Bethea, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Faulk, Frazer, Freeman, Gibson, Goldthwaite, Grant Hand, Hardie, Hawthorne, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, McBee, McCain, McCann, McCoy of Tallapooso, McMillan, Menefee, Moore, Morse, Odum, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Thorn, Tompkins, Vansandt, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Wilhite, Worthy, and Younge—68.

NAYS—Messrs. Speaker, Bankhead, Borden, Craig, Echols, Ellis, Ferguson, Gafford, Goodwin, Henry, Mabry, McKinstry, McLester, Oliver, Pierce, Seawell, Smith of Choctaw, Walker, Waller, Whitfield, Williams of Randolph, and Woolf—22.

SPECIAL ORDER.

The consideration of the special order was resumed;

The bill to permanently exempt real and personal property from levy and sale under any legal process, for the use of families in this State;

The question being on the adoption of the substitute proposed by Mr. Bethea for the bill reported by the Judiciary Committee,

Mr. Bethea moved to refer the bill reported by the Judiciary Committee, and the substitute of such amendments as may be offered, to a select committee of five; when,

On motion of Mr. Goodwin,

Mr. Bethea's motion was laid on the table.

Mr. Callaway offered the following amendment:

Strike out all after the enacting clause, and insert—

SEC. 1. That there shall be exempt from execution and sale, for the use of every family in this State, \$3,000, including real and personal property, to be selected by the head of the family; and that the sheriff of the county, upon the application of any head of a family, shall summon three disinterested free-

holders, whose duty it shall be to act as appraisers of such property selected, and return an inventory of the same, under oath, to the judge of probate, whose duty it shall be to record the same in a book to be kept for that purpose.

SEC. 2. *Be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Pending the consideration of which,

On motion of Mr. Manasco,

The House adjourned until 10 o'clock, a. m., to-morrow.

WEDNESDAY, January 23d.

House met pursuant to adjournment.

Prayer by Rev. Mr. Matthews.

Journal read and approved.

Upon the call of the counties, the following bills and resolutions were introduced :

Mr. Freeman—

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the two Houses of this Assembly adjourn *sine die* on Thursday, the 31st day of January, instant:

Mr. Goodwin moved to lay the resolution on the table.

Lost: Yeas 32 ; nays 55.

YEAS—Messrs. Speaker, Ash, Connelly, Cotten, Davis of Bibb, Echols, Frazer, Gibson, Hand, Hawthorne, Henry, Humphrey, Lanier, Lindsey, Mabry, Manasco, McCoy of Tallapoosa, Meadors, Moore, Morse, Odum, Oliver, Raisler, Robinson of Chambers, Savage, Sheffield, Thrasher, Vansandt, Williams of Jackson, Wilhite and Worthy—32.

NAYS—Messrs. Bankhead, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Dobson, Edwards, Faulk, Freeman, Gafford, Goldthwaite, Goodwin, Grant, Lawrence of Cherokee, Lawrence of Fayette, Lebetter, Leeper, Malone, Malloy, McBee, McCain, McCann, McKinstry, McLester, McMillan, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Richardson, Robinson of Baldwin, Seawell, Smith of Jackson, Steadham, Thorn, Tompkins, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Woolf and Younge—55.

On motion of Mr. Gibson, the further consideration was postponed until Monday next, at the hour of 12 o'clock m.

Message from the Senate ;

Mr. Speaker ;

The Senate has originated and passed the following bills :

To abolish fencing in certain portions of Montgomery county ;

To incorporate the Montgomery Water Works Company for the city of Montgomery ;

To alter and amend the charter of the town of Camden, in Wilcox county ;

To authorize E. H. Moren, guardian of Samuel D. Pitts, in Bibb county, to invest the funds of his said ward in real or personal property, and for other purposes ;

To amend section 1 of an act to charter the National Saving Institution of Mobile, approved Feb. 23, 1866, and to change the name of said company to that of the Citizens Saving Bank of Mobile.

The Senate has passed the following House bills—

To incorporate the Budahatchie Water Power and Manufacturing Company ;

To establish a medical board in Marshall county ;

To amend section 160 of the Penal Code ;

To incorporate the State Insurance Company of Mobile ;

Granting the city of Mobile the riparian rights in the river front ;

The Senate concurs in the House resolution proposing to raise a committee of two from each House to confer with the Executive officers of the State to ascertain the liabilities of the State, and the resources to meet such liabilities, &c.

Messrs. Garrett and Sykes are the committee on the part of the Senate.

The Senate also concurs in the resolution of the House appointing a committee of three on the part of each House to examine the last reports of the Comptroller and Treasurer, and report the result of their investigation to this General Assembly

Messrs. Cooper, Gage, and Jackson of Lauderdale, are the Senate Committee.

M. TAUL, Secretary.

Mr. Goodwin, a bill to hold two terms of the chancery court for the 25th chancery district of the Northern division of Alabama, composed of Franklin county ;

Mr. Seawell, a bill to amend section 3055 of the Code of Alabama ;

Also, a bill to amend section 2206 of the Code of Alabama ;

Mr. Woolf, a bill to define more definitely the duties of county solicitors of the several counties of this State ;

Mr. Lanier, a bill to define and punish the violations of the provisions of an act entitled an act to give a lien upon the crop and stock for advances to assist in making the crop ;

Mr. Goldthwaite, a bill to amend section 2587 of the Code of Alabama ;

Also, a bill to amend section 2536 of the Code of Alabama ;

Mr. Plowman, a bill to exempt property from levy and sale upon contracts prior to May 5th, 1865 ;

Also, a bill to prevent hunting upon the premises of others without permission ;

Mr. Lindsey, a bill for the relief of guardians, administrators and executors ;

Mr. Whitfield, a bill to amend section 1691 of the Code of Alabama ;

Mr. Younge, a bill to define the qualifications of officers in the county of Washington ;

Mr. Wilhite, a bill to amend an act entitled an act to empower the commissioners court of Winston county to issue county bonds and levy a special tax, approved Dec. 11, 1865 ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Steadham, a bill to amend the revenue laws of this State, approved Feb. 22, 1866 ;

Mr. Henry, a bill to authorize the Governor to take steps to have the constitutionality of the Federal law imposing a tax of three cents per pound on cotton tested ;

Mr. Lindsey, a bill—

To authorize the magistrate to assess the taxes of Tallapoosa county ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Goldthwaite, a bill to change the line between the counties of Pike and Crenshaw ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Worthy, a bill to provide for the proper representation of the State of Alabama in the Paris Universal Exposition ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Yeas 50 ; nays 33.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Chapman, Clark of Mobile, Cotten, Craig, Culver, Davis of Barbour, Dobson, Edwards, Faulk, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Humphrey, Lanier, Lawrence of Cherokee, Leeper, Mabry, Malloy, McCain, McKinstry, McLester, McMillan, Moore, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Seawell, Smith of Choctaw, Walker, Whitfield, Williams of Randolph, Woolf, Worthy and Younge—50.

NAYS—Messrs. Bankhead, Connelly, Cox, Crenshaw, Echols, Ellis, Frazer, Hand, Lawrence of Fayette, Lindsey, Malone, Manasco, McBee, McCan, McCoy of Tallapoosa, Morse, Oliver, Padgett, Plowman, Richardson, Robinson of Chambers, Savage, Smith of Jackson, Steadham, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, and Wilhite—33.

Mr. Henry, a bill to incorporate the Sipsey Bridge Company ;

Mr. McCann, a bill to repeal section 2 of an act incorporating Lineville Male and Female Academy, approved February 9, 1860, and to substitute a section in lieu thereof as section 2 ;

Which bills were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Walker, a bill to incorporate the Sepulga River Manufacturing Company, of Conecuh county, Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Owens, a bill to provide for the location of the court house of Russell county ;

Mr. McCoy of Tallapoosa, a bill for the relief of Samuel C. Vaughn, of Tallapoosa county ;

Mr. Younge, a bill for the relief of Wm. Beach, of Washington county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Message from His Excellency, the Governor, by Mr. Samuel H. Dixon, his Private Secretary.

Mr. Speaker :

The Governor has approved a bill to authorize the mayor and common council of the city of Selma to issue treasury notes, which originated in the House.

S. H. DIXON, Private Sec'y.

Mr. Woolf, a bill to authorize George Erwin, of Greene county, to pay taxes in Marengo county ;

Mr. Thrasher, a bill to allow the commissioners court of the county of Tallapoosa to levy a tax greater than fifty per cent. ;

Mr. Whitfield, a bill to authorize Sarah L. Watson, administratrix of the estate of Hugh P. Watson, deceased, to dispose of the property of said estate at private sale ;

Mr. Hawthorne, a bill to allow additional compensation to the judge of the probate court of Wilcox county.

Mr. Wilhite, a bill to repeal an act authorizing the sale of vinous or spirituous liquors in the town of Haw Ridge ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Goldthwaite, a bill to declare Francis M. Boswell, a liner between the counties of Pike and Bullock, a citizen of Pike county, and change the line between said counties ;

Which was read three times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

Mr. Hawthorne, a bill to explain the criminal law to the negroes of this State ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Tompkins moved to suspend the general order for the purpose of taking up the Senate resolution appointing a joint committee to wait upon ex-Governor Parsons, and invite him to address the two Houses of the General Assembly in the hall of the House of Representatives, at such time as may suit his convenience, &c. ;

Carried.

Yeas, 55 ; nays, 34.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Faulk, Gibson, Goodwin, Grant, Hand, Henry, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, Meadors, Moore, Odum, Oliver, Owens, Palmer, Padgett, Potter, Smith of Choctaw, Steadham, Tompkins, Vansandt, Walker, Warren of DeKalb, Williams of Randolph and Wilhite—55.

NAYS—Messrs. Bankhead, Bethea, Caffey, Crenshaw, Echols, Ellis, Frazer, Gafford, Goldthwaite, Hawthorne, Humphrey, Lanier, Ledbetter, Mabry, McBee, McCoy of Russell, McMullan, Morse, Pierce, Pipkin, Plowman, Raisler, Robinson of

Baldwin, Savage, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Whitfield, Williams of Jackson, Woolf and Worthy—34

Mr. Echols moved to postpone the further consideration of the resolution until Monday next;

Which was lost.

Yeas 24, nays 68.

YEAS—Messrs. Bethoa, Caffey, Craig, Echols, Ellis, Faulk, Goodwin, Henry, Humphrey, Lanier, Mabry, McBee, Pierce, Raisler, Richardson, Savage, Seawell, Sheffield, Sturdivant, Whitfield, Woolf and Worthy—24.

NAYS—Messrs. Speaker, Ash, Bankhead, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Frazer, Gibson, Goldthwaite, Grant, Hand, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Menefee, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Wilhite and Younge—68.

Mr. McKinstry, moved the previous question, which was sustained;

Yeas 65, nays 22.

YEAS—Messrs. Speaker, Ash, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cotton, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Faulk, Frazer, Gibson, Grant, Hand, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Wilhite and Younge—65.

NAYS—Messrs. Bankhead, Bethoa, Caffey, Crenshaw, Echols, Gafford, Goldthwaite, Goodwin, Hawthorne, Henry, Lanier, Mabry, Menefee, Raisler, Richardson, Savage, Seawell, Shef-

field, Sturdivant, Thrasher, Thorn, Whitfield, Woolf and Worthy—22.

The resolution was concurred in ;

Yeas 60; nays 30.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Bush, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Cobb, Connelly, Cotten, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Gibson, Grant, Hand, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, Meadors, Moore, Odum, Oliver, Owens, Palmer, Padgett, Plowman, Potter, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Williams of Randolph, Wilhite and Younge—60.

NAYS—Messrs. Bankhead, Bethea, Caffey, Echols, Ellis, Faulk, Frazer, Gafford, Goldthwaite, Goodwin, Hawthorne, Henry, Humphrey, Lanier, Mabry, McBee, McMillan, Meneffee, Pierce, Raisler, Richardson, Robinson of Baldwin, Savage, Seawell, Sheffield, Sturdivant, Whitfield, Williams of Jackson, Woolf and Worthy—30.

Messrs. Tompkins, Brooks and Whitfield are the Committee on the part of the House.

On motion of Mr. Savage, the regular order of business was suspended for to-morrow for the purpose of taking up the Senate messages, and to enable the standing committees to report.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize the Governor to pardon Peter Martin, jr. ;

To incorporate the Gadsden Manufacturing and Mining Company ;

The Senate has adopted the following resolution :

Resolved, (the House of Representatives concurring,) That the Committee on State Printing of the two Houses be constituted a joint committee, to which shall be referred the whole question of fixing the rates to be paid for the public printing to be done for the State, (including the Revised Code,) and to fix the rates, that said committee shall have power to confer with practical printers to aid their investigation, and report by bill or otherwise.

M. TAUL, Secretary.

SENATE BILLS.

The House proceeded to consider the Senate message :

To amend sections 16 and 22 of an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved November 24th, 1866, and to add additional sections thereto ;

Which was read twice, under a suspension of the constitutional rule ; when,

On motion of Mr. Bethea,

The further consideration was postponed, and the bill and amendment ordered to be printed, and made the special order for Friday next, at the hour of 12 o'clock, M.

To provide for the demanding of abstracts of titles in real acts ;

To amend an act passed on the 23d day of Feb., 1866, entitled an act to incorporate the Bienville Water Works Company ;

To give jurisdiction to the probate courts of Marengo county over the estate of Benj. F. Kelly, deceased ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed ;

To authorize executors and administrators to rent lands privately ;

Which was read the third time and passed.

To authorize H. J. Askew, of Marengo county, administrator of Dr. W. Woolf, to sell or rent certain lands privately ;

To construe an act entitled an act to regulate judicial proceedings, approved February 20, 1866 ;

To amend section 511 of the Penal Code :

To require sheriffs and other officers selling lands to make letters or deeds thereto ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

To incorporate the Union Springs Saving Association ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

On motion of Mr. Bethea, the House adjourned until tomorrow, at 10 o'clock.

THURSDAY, January 24.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Matthews,

Journal read and approved.

Leave of absence was granted Mr. Crenshaw for two days.

The Speaker laid before the House a petition of the citizens of Lexington, Lauderdale county, Ala., for the relief of Sam'l Bentley, and for other purposes ;

Which was referred to the Committee on Ways and Means.
The Senate bills—

To amend section 174 of the Penal Code ;

To amend section 2566 of the Code of Alabama ;

To amend section 679 of the Penal Code ;

To authorize the judge of probate for Conecuh county to substitute lost records of judgment and decrees of courts and other records and papers ;

For the relief of Basil Manly Richards, of Tuscaloosa county ;

To incorporate the Gadsden Manufacturing and Mining Company ;

For the relief of James H. Wright, of the county of Chambers ;

To regulate the time of holding the chancery court in the 6th district of the southern chancery division at Montgomery ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Senate ;

Mr. Speaker ;

The Senate has originated and passed the following bills :

To change the boundary line between the counties of Autauga and Bibb ;

For the relief of Nancy M. C. Reynolds, of Lawrence county ;

For the relief of Caledonia Green, of Calhoun county, and to permit her to marry ;

To enlarge the jurisdiction of the chancery courts ;

For the relief of Virgil O. Frazer, of Lee county ;

To authorize Ellen E. Deaver, of Blount county, to make a title to a certain tract of land.

The Senate has passed the following House bills ;

To relieve Philander W. Parker from the disabilities of minority ;

Requiring dockets to be kept by probate judges ;

To change the time of holding the circuit court of the county of Coosa, and to repeal an act therein named ;

To provide for the payment or extension of the indebtedness of the county of Madison ;

To incorporate the Alabama Board of Trustees, auxiliary to the American Printing House for the Blind, and American University for the Blind, and for other purposes.

M. TAUL, Secretary.

The Senate bill to authorize the probate judge of Pike county to grant letters of administration on the estate of Homer V. Howard, to Elizabeth G. Howard, a citizen of Georgia,

Was read the first and second times, under the suspension of the constitutional rule ;

Mr. Worthy moved to amend by adding the following proviso, which was adopted :

Provided, That in every case, when it shall become necessary for said Elizabeth G. Howard to plead, answer, or demur, in any of the courts of law or equity in this State, by notice to be personally served, with regard to the administration of said estate, that it shall be sufficient notice to her and her securities on her official bond, to make publication for three weeks in any newspaper published in the county of Pike ;

The bill was read the third time, under the suspension of the constitutional rule, and passed.

The Senate bill to secure more effectually the assessment of taxes in this State ;

To provide for the keeping of the Alabama State Tract Books, and to furnish registers from the same to the several counties in the State ;

To amend the third paragraph of section four, of first chapter of an act to establish revenue laws of the State of Alabama, approved February 25, 1866 ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bills—

To amend section 3 of an act to amend the laws regulating the settlements of estates of deceased persons, approved February 5, 1855 ;

For the protection of administrators and guardians in Bibb county ;

To repeal an act entitled an act to define the power of justices of the peace in the counties of Dallas, Pickens, and other counties, approved February 3, 1866, so far as it applies to Montgomery and Tuscaloosa counties ;

To amend section 6 of an act entitled an act to regulate judicial proceedings, approved January 20, 1866 :

To authorize Mrs. A. M. Carleton to invest the money of certain wards ;

To extend the time for the collection of taxes ;

Were severally read the first and second times, under a suspension of the rule, and referred to the Committee on the Judiciary.

The Senate bill to prohibit the sale of vinous or spirituous liquors within two miles of the factory of Gibson, McDowell & Co., in Tuscaloosa county ;

Was read twice, under a suspension of the constitutional rule ;

Mr. Manasco moved to amend by striking out the words "two miles" and inserting in lieu thereof "one mile ;"

The amendment and bill referred to the Judiciary Committee.

The Senate bills—

To regulate the time of election of the State Printer and the term of his office ;

To legalize the action of the commissioners court of the county of Morgan, upon certain matters therein contained ;

To authorize the Secretary of State to furnish the judge of the 4th judicial circuit with the reports of the supreme court in place of those lost during the war ;

Were severally read first and second times, under a suspension of the constitutional rule, and ordered to be read a third time on to-morrow.

The Senate bill to amend an act in relation to elections in certain cases, and to except clerks of the circuit court from the provisions of said act ;

Was read the first, second and third times, under a suspension of the constitutional rule, and lost.

Mr. Tompkins, from the Joint Select Committee, made the following report :.

Mr. Speaker :

Your Joint Select Committee appointed under the Senate resolution to invite the Hon. Lewis E. Parsons to address the General Assembly at such time as his convenience might suggest, instruct me to report that the committee has conferred with Mr. Parsons, and the address will be delivered in the hall of the House, on to-morrow at 12 m. ;

The report was laid on the table and the committee discharged.

The Senate bill to authorize Burgess Bennett to take out letters of guardianship in this State,

Was read first and second times, under a suspension of the constitutional rule ;

Mr. McKinstry moved to amend by adding the following proviso ;

Which was adopted :

Provided, That service of process on either of the securities or the counsel of said Bennett, shall be a service on the administrators ;

Bills were read third time, under a further suspension of the constitutional rule, and passed.

The Senate bills—

To legalize the appointment of Alexander K. Martin, of Jefferson county, as trustee under the wills of John and Sarah Martin ;

To abolish fencing in certain portions of Montgomery county ;

To authorize E. H. Moren, guardian of Samuel D. Pitts, in Bibb county, to invest the funds of his said wards in real or personal property, and for other purposes ;

To amend section 1st of an act entitled an act to charter the National Savings Institution of Mobile, approved February 23, 1866, and to change the name of said Company to that of Citizens Savings Bank of Mobile ;

To reorganize the Centreville Bridge Company ;

To alter and amend the charter of the town of Camden in Wilcox county ;

To amend an act to authorize the court of county commissioners of Tuscaloosa county to settle and adjust claims against said county, and to issue bonds to pay the same, approved January 23d 1866 ;

To establish an election precinct at Honoraville, in the county of Crenshaw ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill, for the relief of James Hill, jr., administrator of Robert Hill, deceased ;

Was read the first and second times, under a suspension of the constitutional rule, and

Mr. McKinstry moved to amend by adding the following proviso ;

Which was adopted :

Provided, That the judge of probate shall approve of the acts of said administrator ;

Mr. Davis of Bibb, moved to amend by inserting the word "in" after the word "vest," in the 7th line, section two ;

Which was adopted, and the bill read a third time, under a further suspension of the constitutional rule, and passed.

The Senate bills—

To establish a medical board in the county of Jefferson ;

To incorporate the Montgomery Water Works Company, for the city of Montgomery ;

Were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

The Senate bill to amend an act to encourage immigration and immigrant labor ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill to authorize the Governor to pardon Peter Martin, jr. ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill to fix the fees of the clerk of the supreme court for binding up the reports of supreme court cases ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. McKinstry, from a select committee, reported favorably to the passage of the bill—

To give the consent of the State of Alabama to a donation made to the United States of a lot of land in the city of Mobile, county of Mobile, for the purpose of there constructing a national cemetery, and also to the donation of a lot of land in the city of Montgomery, county of Montgomery, for a similar purpose, and to cede the jurisdiction over the same ;

The bill was read a third time, under a suspension of the constitutional rule, and passed.

REPORTS OF COMMITTEES.

Mr. Smith of Choctaw, from the Committee on the Judiciary reported favorably to the bill—

For the relief of Amanda B. Crumbly ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from the same committee, reported favorably to the bill—

For the relief of Cornelia Ann Nall, of the county of Choctaw ;

Mr. Savage moved to amend by adding the name of F. M. Perry, of Clarke county ;

Which was adopted ;

Mr. Manasco moved to amend by adding the name of Elizabeth Morris, of Walker county ;

Which was adopted ;

Mr. Padgett moved to amend by adding the name of David Perry, of Jackson county ;

Which was adopted ;

Mr. Morse moved to amend by adding the name of Matilda Preslar wife of James J. Preslar ;

Which was adopted ;

Mr. Ledbetter moved to amend by adding the name of Azariah Cobb, of Jackson county ;

The amendment was adopted ;

Mr. Sheffield moved to amend by adding the name of Elizabeth Morris, of Marshall county ;

The amendment was adopted ;

Mr. Williams of Jackson, moved to amend by adding the name of Lewis Davis, of Jackson county ;

Which was carried ;

Mr. Smith of Jackson, moved to amend by adding the name of Nancy Lusk, of Jackson county ;

Which was adopted ;

Mr. Malone moved to amend by adding the name of Angeline P. Brock, wife of Isaiah Brock, of DeKalb county ;

Which was adopted ;

On motion of Mr. Worthy, the bill was recommitted to the Judiciary Committee, with instructions to report a general bill, if in their opinion such a bill would be advisable.

Mr. McKinstry, from the same committee, reported favorably to the Senate bill—

To legalize the marriage between James Swan and Sally Kilgore, of the county of Randolph ;

To authorize the probate judge of Tuscaloosa county to grant an order to the administrator of A. B. Dearing to sell real estate of said deceased ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably, with the following amendment, to the bill—

In relation to the competency of witnesses :

Amend by inserting after "2291," in section 2, "1568, 2287, 2288, 2290, 2313, 2316, 1607, and 1608 ;"

Amendment adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Richardson, from the Special Committee on Railroads, made the following report:

The special committee to whom was assigned the duty of investigating and inquiring into the general management and system under which the different railroads of the State of Alabama are conducted, beg leave to report—

That after a thorough and careful examination, having availed themselves of all the facilities practicable for acquiring a just and impartial knowledge of said roads, are of the opinion that we have not a railroad within the limits of our State, now in operation, that does not practically violate the chartered rights.

They fail frequently, as required by law, to blow the whistle at such times and places as the law directs, where the omission seriously endangers human life. A reckless and unwise disregard for the necessities of the people living along the line of the different roads, is clearly evinced on the part of engineers, by their careless and easily to be avoided destruction of cattle and other stock, for which owners are allowed but an inconsiderable sum as compensation; and in obtaining such are subjected to the greatest inconvenience.

They publish, too, to the country, a schedule, by which the arrival and departure of the trains are to be governed, and it is not unfrequently the case in certain localities of our State, that for several days at a time, not a single connection is made—depots and stations are passed hours after schedule time, thereby enhancing the probabilities of those frequent dreadful collisions which occur, and at least inconveniencing the travelling public by unnecessary delay; all of which is not occasioned by some unforeseen accident, but is the consequence of palpable neglect and indifference.

Your committee is further of the opinion that the charges for passengers and freight over all the roads of our State are such as are not guaranteed by the express or implied provisions of their charters.

They fail to furnish, with a few exceptions, well-ventilated, comfortable passenger coaches—frequently suffering ladies and little children to be subjected to much inconvenience from cold and thirst, by neglect to supply their trains with a sufficiency of wood and water.

It is not unfrequently the case, that such care and attention is not bestowed on their passenger cars as is necessary to re-

move the unpleasant and disagreeable odors that a lack of cleanliness generates.

Your committee are of the opinion that it would be at this time injudicious to personate such roads as are more neglectful than others of their chartered rights, and it is our opinion that a remedy exists by which these enumerated grievances and complaints can be easily reached, and for this purpose we beg leave to report the following bill, and recommend its passage, to-wit :

To provide the mode of vacating the charters of railroad companies in this State.

On motion of Mr. Morse, the further consideration was postponed until Monday next, and made the special order at the hour of 12 M., and 153 copies ordered to be printed.

REPORT OF COMMITTEE ON COUNTY BOUNDARIES.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported favorably to the bill to change the boundary line between the counties of Marion and Fayette;

Which was read the third time, under a suspension of the constitutional rule, and passed..

Yeas 77, nays 5.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Chapin, Clark of Mobile, Connelly, Cotten, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gibson, Goodwin, Hand, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Malone, Malloy, McBee, McCain, McCann, McCoy of Russell, McKinstry, McMillan, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Woolf, Worthy and Younge—77.

NAYS—Messrs. Mabry, McLester, Smith of Choctaw, Steadham and Williams of Jackson—5.

Mr. Smith of Jackson, from the same committee, reported favorably to the bill to form a new county out of portions of Marion and Fayette, to be called the county of Stonewall.

Mr. Steadham offered the following amendment, which was adopted :

Section —. Be it further enacted, That it shall be the duty

of the courts of the county commissioners of the said counties of Marion and Fayette, as soon after the passage of this act as practicable, to make out and certify the amount of the indebtedness of said counties respectively, and shall set off and apportion to said county of Stonewall its *pro rata* of said debt according to the population, and said new county is hereby declared subject to pay the same, for which proper warrants shall be drawn on the treasurer of said county of Stonewall by the court of county commissioners thereof.

Mr. Bankhead, moved to amend, by adding the following proviso ;

Which was adopted :

Provided, That four sections in the north east corner of Township 12, Range 14, be, and they are hereby exempt from the provisions of this act ;

Which bill was read the third time, under a suspension of the constitutional rule, and lost, (not being two-thirds majority.)

Yeas 52, nays 29.

YEAS—Messrs. Bankhead, Borden, Brandon, Chapman, Cox, Craig, Crenshaw, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malloy, McCain, McCann, McMillan, Meadors, Menefee, Morse, Owens, Palmer, Pipkin, Plowman, Potter, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thrasher, Thorn, Vansandt, Walker, Warren of Lawrence, Whitfield, Willite and Woolf—52.

NAYS—Messrs. Speaker, Ash, Bourland, Bush, Caffey, Callaway, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Freeman, Grant, Hand, Lindsey, Mabry, Malone, McCoy of Russell, McCoy of Tallapoosa, McLester, Moore, Odum, Oliver, Padgett, Raisler, Steadham, Warren of DeKalb, Williams of Jackson, and Worthy—29.

Messrs. Clark of Lawrence, and Culver, were excused from voting.

Mr. Smith of Jackson, from the same committee, reported a substitute for the bill—

To attach a part of Township 6, Range 17, in the county of Covington, to the county of Crenshaw ;

The substitute was adopted, and the bill read the third time, under the suspension of the constitutional rule, and passed by a two third vote ;

Mr. Worthy gave notice, that he would move to reconsider the vote by which the bill to form a new county out of por-

tions of Marion and Fayette, to be called the county of Stonewall, which was lost.

On motion of Mr. Gibson,

The House adjourned till to-morrow, 10 o'clock, a. m.

FRIDAY, January 25.

House met pursuant to adjournment.

Prayer by Rev. Mr. Matthews.

Journal of yesterday read and approved.

Mr. McKiustry offered the following resolution, which lies over one day under the rule.

Resolved, That the House shall meet in the morning at 10 o'clock, and in the afternoon, at half-past 3 o'clock every day, till the business is disposed of.

CALL OF THE COUNTIES.

Mr. Thrasher, a bill to incorporate the Barnett Manufacturing Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Pipkin, a bill and petitions, to repeal an act establishing the city court of Eufala, in Barbour county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Propositions and Grievances.

On motion of Mr. Doster,

The call of the counties was suspended, for the purpose of taking up the general orders, and that the school bill be taken up first.

Mr. Callaway offered the following resolution, by way of amendment, which was adopted :

Resolved, That hereafter the bills, petitions and resolutions, which were introduced and referred to the several standing committees before the recess of this session, shall have precedence over those introduced and referred since the recess, and those first so introduced and referred shall be first taken up.

GENERAL ORDERS.

The bill to establish a uniform and efficient system of public instruction in the State of Alabama, and to repeal the act to

render more efficient the system of public schools in the State of Alabama, approved Feb. 14, 1856, and the act to amend an act to render more efficient the system of free public schools in the State of Alabama, approved Feb. 24th, 1860,

Was taken up, and

On motion of Mr. McKinstry,

The further consideration of the bill was postponed until Tuesday next, and made the special order of the day at the hour of 12, M.

The engrossed joint resolution,

In reference to the so-called Alabama State Lottery,

Was taken up, and

On motion of Mr. Worthy,

The further consideration was postponed indefinitely.

The engrossed bill to repeal section 1556 of the Code of Alabama,

Was taken up, and

On motion of Mr. Worthy, the further consideration of the bill was postponed until Tuesday next, and made the special order at the hour of 1 o'clock.

The engrossed bill authorizing the formation of corporations for manufacturing, mining, mechanical, chemical, mercantile and insurance purposes, and making railroads and turnpikes ;

Was taken up and read the third time.

Mr. Mabry moved to postpone further consideration until Friday next, and made it a special order at 10 o'clock ;

Lost

Mr. Connelly moved the following amendment by way of engrossed ryder :

SEC. 32. *Be it further enacted*, That no lottery scheme, or company, shall be incorporated under the act.

Amendment adopted, and the bill passed.

Yeas 54 ; nays 26.

YEAS—Messrs. Speaker, Ash, Bankhead, Caffey, Clark of Lawrence, Clark of Mobile, Connelly, Cox, Davis of Barbour, Dobson, Echols, Faulk, Frazer, Ferguson, Gafford, Gibson, Goodwin, Grant, Hand, Hardie, Hawthorne, Lawrence of Fayette, Leeper, Lindsey, Mabry, Malloy, McAlexander, McCann, McCoy of Russell, McKinstry, McMillan, Meadors, Menefee, Moore, Oliver, Owens, Palmer, Pierce, Pipkin, Plowman, Richardson, Robinson of Baldwin, Savage, Seawell, Smith of Choc-taw, Smith of Jackson, Steadham, Vanzandt, Walker, Warren of Lawrence, Williams of Randolph, Wilhite, Woolf, Worthy and Younge—54.

NAYS—Messrs. Bethea, Borden, Bourland, Brandon, Brooks,

Bush, Callaway, Chapman, Craig, Culver, Edwards, Ellis, Lawrence of Cherokee, Ledbetter, Malone, Robinson of Baldwin, Thorn, Warren of DeKalb, and Williams of Jackson—26.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his Private Secretary :

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House :

Requiring the fords of water courses crossed by public roads to be kept in good condition ;

To regulate the time of holding probate court in the county of Lee ;

To repeal an act establishing the Canebrake Agricultural District, so far as the county of Dallas is concerned ;

To provide for the payment or extension of the indebtedness of the county of Madison ;

To authorize the Montgomery Mining and Manufacturing Company to open and construct a road to their mines and works, in Talladega county ;

To fix the times and places of holding the regular terms of the city court of Selma ;

To amend the charter of the Protestant Orphan Asylum, in Mobile ;

To afford a remedy in case of a lien on the crop and stock for advances to assist in making the crop.

SAMUEL H. DIXON, Private Secretary.

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed the following bills :

To enlarge the powers of chancellors in cases of extraordinary process ;

For the relief of Thomas Shea ;

To authorize the court of probate of Montgomery county to appoint a special administrator on the estate of Jacob D. Bradford, for the special purpose of prosecuting a suit pending in the circuit court of Montgomery county, of said Jacob D. Bradford *vs.* John G. Winter ;

For the relief of J. C. Henderson, former sheriff of Talladega county ;

To compensate David E. Dickinson for feeding prisoners ;

For the relief of Richard J. Murray, of Fayette county, and Wm. R. Mayo, of Chambers county ;

To extend the time for making affidavits to claims against estates of deceased persons, which were declared insolvent between the 11th day of January, 1861, and the 1st day of September, 1865.

The Senate has passed the following House bills :

To repeal an act entitled an act to regulate proceedings before justices of the peace, in cases of misdemeanors cognizable before them, approved January 20, 1864 ;

Proscribing the mode of giving notice of motion to enter satisfaction of judgment, or to set aside such entries, when any of the parties are non-residents ;

To authorize the courts of county commissioners in this State to make equitable settlements in certain cases ;

For the relief of Laura E. Houston, of the county of Autauga ;

To compensate the clerk of the Committee on the Code, employed by the committee on the authority of this General Assembly ;

To establish a new charter for the city of Selma ;

To authorize the corporate authorities of Marion to enforce the collection of taxes for the legitimate purposes of the corporation ;

For the relief of Charles J. Deramus of Autauga county ;

To legalize the issuance of certain bonds therein named ;

To establish the city court of Huntsville.

The Senate has amended, as therein shown, and passed the House bill—

To prevent trespass by camp-hunters in Randolph county.

It has amended by substitute the House bills—

To amend section 713 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail on writs of *habeas corpus* in cases of felony, before conviction ;

To declare Joseph H. Harris (a liner between the counties of Chambers and Lee) a citizen of Lee county, and to change the line between said counties.

The Senate has rejected the following House bills :

To make James H. Milton a citizen of Butler county ;

To make Roht, D. Thornton, (a liner between the counties of Barbour and Bullock) a citizen of Barbour county ;

To make Calvin Runnels a citizen of Montgomery county ;

To make James F. Armstrong a citizen of Montgomery county ;

To make D. M. Bruner a citizen of Dale county ;

To declare R. S Gray, (a liner between the counties of Randolph and Clay) a citizen of Clay county ;

To declare Wm. H. Davis and Willis B. Butt, (liners between the counties of Russell and Bullock,) citizens of Bullock county.
M. TAUL, Sec'y.

On motion of Mr. Worthy, the vote was reconsidered, by which the bill to form a new county out of portions of Marion and Fayette, to be called the county of Stonewall. Lost.

Mr. Speaker laid before the House a petition asking for the formation of new county out of portions of the counties of Marion, Walker and Winston, which was referred to the Committee on County Boundaries.

On motion of Mr. Worthy, the House took an informal recess of five minutes.

The hour of 12 having arrived, the House was called to order, and the Senate was invited into the Hall of the House to hear the address of Hon. Lewis E. Parsons, in pursuance of the joint resolution adopted by both Houses inviting him to address them.

Mr. Parsons was introduced to the members of the two Houses by Mr. President Crenshaw, and after the address,

On motion of Mr. Moore, the House adjourned until 10 o'clock to-morrow.

SATURDAY, January 26.

House met pursuant to adjournment.

Prayer by the Bev. Mr. Matthews.

Journal was read and approved.

Leave of absence was granted Messrs. Chapman, Frazer and McCain ;

Mr. Worthy, from a Select Committee, reported favorably to the bill to add the county of Bullock to the 8th judicial circuit ;

On motion of Mr. McCoy of Russell, the further consideration of the bill was postponed until Wednesday next, and made the special order of the hour of 12 m.

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed the following bills :

For the relief of defendants in judgments and decrees rendered since 11th day of January, 1861 ;

To amend section 3925 of the Code ;

To establish two election precincts in the county of Clay :

The Senate has amended by substitute the House bill—

To compel administrators, executors, guardians and trustees to continue the administration and settlements of estates in certain cases in Pike county.

M. TAUL, Secretary.

Upon the call of the counties, the following bills and resolutions were introduced—

Mr. Davis of Bibb, a bill to constitute Emily J. Rottenberry, wife of John M. Rottenberry, of Bibb county, a free dealer ;

Which was read twice, under a suspension of the constitutional rule, and

Mr. Robinson of Chambers, moved to amend, by adding the name of E. M. Finly, wife of W. P. Finly ;

The bill and amendment were referred to the Committee on Local Legislation.

Mr. Palmer offered the following resolution,

Which was adopted :

Resolved, That the Judiciary Committee be instructed to inquire into the legality of justices of the peace holding monthly terms of courts for the trial of civil causes, and if they are not authorized to hold them for the adjudication of debts contracted since the war, to inquire into the expediency of passing a bill authorizing them to do so, and report by bill or otherwise.

Mr. Chapman, a bill for the relief of E. P. Holly, tax collector of the county of Covington ;

Which was read the first and second times, under a suspension of the constitutional rule, and various amendments were moved, and the bill, with the amendments, was referred to the Committee on Ways and Means.

Mr. Ellis, a bill to authorize the Marshal of the town of Jacksonville, to discharge the duties of bailiff in the county of Calhoun ;

Mr. Potter, a bill regulating the terms of office for officers elected in new counties ;

Mr. Moore, a bill to divide Coffee county into four commissioners districts ;

Mr. Edwards, a bill to authorize the commissioners court of the county of Elmore, to issue treasury notes to pay for the building of bridges, a jail and court house, and for other purposes ;

Which were severally read the first, second and third times,

under a suspension of the constitutional rule, and passed.

Mr. Potter, a joint resolution tendering protection to immigrants from other States ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Robinson of Chambers; a bill to increase the power of chancellors in this State ;

Mr. Smith of Choctaw, to authorize attorneys to administer oaths ;

Mr. Moore, a bill for the relief of receivers of public moneys of the land districts of the State of Alabama ;

Mr. Edwards, a bill for the relief of I. J. Taylor, of Elmore county ;

Mr. Craig, a bill to amend section §63 of the Code ;

Mr. Mabry, a bill to guard against fire on steamboats and railroads.

Mr. Pierce, a bill to provide the proper proofs when United States revenue stamps have been once placed on process deeds or conveyances ;

Mr. Culver, a bill to economise the expense of the administration of estates ;

Which bills were read severally first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Morse, a bill to provide compensation to the judges of probate of Choctaw county, for certain services ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Morse offered the following resolution :

Resolved by the House of Representatives in General Assembly convened, That the Comptroller be, and he is hereby authorized to draw his warrant on the State Treasurer in favor of R. C. Clark, door-keeper of the House, for his per diem during the late recess of the General Assembly ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Vansandt, a bill to amend an act entitled an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, approved December 12th, 1849 ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Edwards, a bill to change the line between the counties

of Elmore and Coosa, and to declare certain persons therein named, to be citizens of Elmore.

Mr. Malone, a bill and petition to alter and establish the line between the counties of DeKalb, Marshall, Blount and Baine ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Craig, a bill to incorporate the town of Summerfield, in Dallas county.

Mr. Woolf, a bill to incorporate the Demopolis Fire and Marine Insurance Company ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations,

Mr. Thorn, a bill for the relief of Wm. R. Long, of Franklin county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. McAlexander, a joint resolution inviting labor and capital into this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Mabry, a bill to regulate sheriff sales in Dallas county ;

Mr. Goodwin, a bill to legalize the sale of lots in the city of Tusculumbia ;

Mr. Bourland, a bill to authorize Baylis E. Bourland, administrator on the estate of Terry Bradley, deceased, to sell the real estate of his intestate privately ;

Mr. Richardson, a bill to amend an act to define the powers of justice of the peace in the counties of Dallas, Pickens, and other counties ;

Mr. Rausler, a bill to amend section 1143 of the Code of Alabama, as far as the same relates to the county of Limestone ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Culver, a bill to annex a part of Dale county to Henry county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

In reference to reporting and signing enrolled bills ;

Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Richardson, a bill to amend section 787 of the Penal Code ;

Mr. Brooks, a bill to authorize the probate judge to associate two justices of the peace with him in the trial of misdemeanors before the county courts ;

Mr. Ferguson, a bill to amend section 2875 of the Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Steadham, a bill to amend the revenue laws of the State, approved February 22, 1866 ;

Mr. Bethea, a bill for the relief of Mrs. Hannah Murphy, of Montgomery county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Leeper, a bill to create a new county out of portions of Shelby, Jefferson, Tuscaloosa and Bibb ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Bethea, a bill to incorporate the Montgomery Literary Society, a literary and library association in the city of Montgomery ;

Which was read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Seawell, a bill to regulate the issuing of executions from the probate court in certain cases ;

Mr. Sturdivant, a bill to authorize and enable the judge for the 1st judicial circuit of the State to preside in and hold the city court of Selma ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Worthy, a bill to authorize Wilson McLemore, of Pike county, to receive and collect money for curing cancers ;

Also, a bill for the relief of Napoleon B. Rouse ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Worthy, a bill to amend section 1970 of the Code of Alabama ;

Also, a bill for the relief of employers and employees ;

Mr. McCoy of Russell, a bill to allow executors, administrators and guardians to remove estates by petition ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Also, a bill to remove the estate of W. S. Bailey from Macon county, and Isaac Ross from Tallapoosa county, to the county of Lee ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Also, a bill to define certain acts of trespass, and make the same penal ;

Mr. Plowman, a petition of Angeline Simmons for divorce ;

Mr. Thrasher, a bill to repeal an act to amend sections 2409 and 2410 of the Code of Alabama ;

Also, a bill to relieve certain property from liens of judgments, executions, &c. ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Mauasco, a bill to repeal all acts and laws incorporating the town of Jasper, in Walker county ;

Also, a bill to compensate constables in the county of Walker ;

Mr. Younge, a bill to increase the fees of the county officers of Washington ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from His Excellency, the Governor, by his Private Secretary, Mr. S. H. Dixon.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in the House :

To establish the city court of Huntsville ;

To legalize the issuance of certain bonds therein named.

SAMUEL H. DIXON, Private Secretary.

The House concurred in the Senate joint resolution requesting presiding officers of the two Houses to appoint the select committee provided for in section 34 of the Code, to examine the offices of Comptroller and State Treasurer ;

Messrs. Clark of Mobile, Bourland and Leeper, are the committee on the part of the House. .

The following resolution was taken up :

Resolved, That the House shall meet in the morning at 10 o'clock, and in the afternoon at half past three, every day, until the business is disposed of ;

Mr. Mabry moved to amend by striking out "10 o'clock," and inserting in lieu thereof "9½ o'clock ;

Which was adopted.

The resolution, as amended, was then adopted.

Mr. Pierce offered the following resolution. which lies over one day, under the rule ;

Resolved, That the call of the counties be, and the same is hereby suspended, to continue each day until the several standing committees report the bills now in their hands, referred to them before the recess.

On motion of Mr. Pierce,

The House adjourned until half past nine o'clock, Monday morning.

MONDAY, January 28.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

Journal of the House read and approved.

On motion of Mr. Ellis,

The call of the counties was suspended, to enable him to introduce the following resolution, which was adopted :

Resolved, That a committee, to be composed of one from each judicial circuit, be appointed by the Speaker, for the purpose of attaching the several new counties to the several judicial circuits, and fixing the time for holding the circuit courts therein, and that said committee shall organize the several circuits so, as nearly as possible, to equalize the labor of the several judges therein ; and further, to determine, whether or not, it is necessary to create another judicial circuit in this State, and if so, to organize the several circuits, and report by bill or otherwise, at as early a day as practicable.

Messrs. Ellis, Gibson, Richardson, Leeper, Ferguson, Worthy, Pierce, Craig, McKinstry, Cox and McMillan are the committee.

Leave of absence granted Mr. Freeman.

Upon the call of the counties, the following bills and resolutions were introduced :

Mr. Robinson of Chambers, a joint resolution to require the payment of the school fund in the counties where the same remains unpaid ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means ;
Also, a bill to define the duty of certain officers and for other purposes ;

Mr. Morse, a bill to regulate the trials of right of property ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill to form a new county to be called the county of Hale.

M. TAUL, Secretary.

Mr. Morse, a bill to regulate a distribution of the Revised Code ;

Mr. Moore, a bill to regulate the fees of county officers, &c., of Coffee county ;

Also, a bill to remove obstructions in Pea River, in Coffee county ;

Mr. Mabry, a bill to authorize the court of county commissioners of Dallas county to issue bonds ;

Mr. Waller, a bill to authorize the town council of the town of Greensboro, in Greene county, to issue its bonds, and to subscribe to the capital stock of railroad companies, and levy and collect taxes to pay the principal and interest of the same ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Edwards, a bill to establish a medical board for Elmore county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Clarke, of Lawrence, a bill to compensate circuit clerks in certain cases ;

Mr. Richardson, a bill to authorize the tax collector of Limestone county to withhold the taxes of said county for the year 1866, from the State treasury ;

Mr. Lanier, a bill to authorize the commissioners court of the county of Pickens to purchase bonds upon which to locate and provide for the poor of the county ;

Which were severally read the first and second times, under

a suspension of the constitutional rule, and referred to the Committee on the Judiciary ;

Mr. McKinstry, a bill to provide for the improvement of the river, harbor and bay of Mobile ;

Mr. McCoy of Russell, a bill to authorize the commissioners court of Lee county to issue treasury notes ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Tompkins offered the following joint resolution, which was referred to the Judiciary Committee :

Resolved by the House of Representatives of the State of Alabama, (the Senate concurring) That a joint committee, consisting of three from the House and two from the Senate, be appointed to inquire into the expediency of altering the present seal of the State, and that said committee be instructed to report a substitute therefor, for the ratification of the General Assembly at as early a day as may be practicable.

Mr. Hare, a bill to authorize Wm. Kirkland to erect a dam across the Sucanotchie river, near the town of Livingston, in Sumter county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation ;

Also, a bill to authorize the executor of W. P. Croom, and the administrator of the estate of Bryan Croom, of Sumter county, to make land titles ;

Mr. Owens, a bill to amend section 1 of an act to authorize John R. Hubbard, guardian of Thomas, Mahala, and Henry Byrd, to dispose of a certain tract of land therein named, approved January 31, 1866 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and ordered engrossed for a third reading on to-morrow.

Mr. Hare, a bill for the relief of Mary Jane Jones, of Sumter county ;

Also, a bill to re-enact and put in full force section 630 of the Code of Alabama ;

Also, a bill for the relief of George Sims, a citizen of Greene county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Thrasher, a bill to amend section 76 of the Code of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Freeman, a bill for the relief of Thomas D. Garner, of Morgan county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Also, a bill to encourage the construction of railroads in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

REPORT OF THE JUDICIARY COMMITTEE.

Mr. McKinstry, from the same committee, reported favorably to the passage of the bill to locate the Capitol of the State of Alabama at the city of Mobile ;

On motion of Mr. Bethea, the further consideration of the report and bill was postponed until Wednesday next, and made the special order of that day at the hour of 12 m.

Mr. Waller moved to suspend the report of the Judiciary Committee, for the purpose of taking up a bill from the Senate message. Carried.

The Senate bill to form a new county to be called the county of Hale ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. McKinstry, from the same committee, reported favorably, with the following amendment, to the Senate bill ;

To declare judgments liens upon the property of defendants ;
Provided, that the lien shall extend only to real estate ;

The House refused to receive the report of the committee.

Mr. McKinstry, from the same committee, reported adversely to the Senate bill to amend an act entitled an act to define the relative duties of master and apprentice, approved February 22, 1866 ;

Report concurred in.

Also, favorably to the bill to confer additional powers upon solicitors ;

Report concurred in and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. McKinstry, from the same committee, reported back to the House the bill to declare what counties compose the 10th.

judicial circuit, and appoint the time of holding courts in the same ;

The bill was referred to the Select Committee on Judicial circuits.

Mr. McKinstry, from the same committee, reported back to the House the following bills :

To amend section 9 of an act to establish revenue laws the State of Alabama ;

To amend section 44 of the revenue law ;

Which were then referred to the Committee on Ways and Means.

Message from the Senate by Mr. Taul.

Mr. Speaker :

The Senate has originated and passed the following bills :

In relation to the Reports of the Decisions of the Supreme Court ;

To authorize the Commissioners of Revenue for Mobile county to elect the tax assessor for said county and remove such assessor ;

To repeal an act to allow creditors without liens to file bills for the collection of debts in certain cases, approved February 24th, 1860 ;

To register and cancel bonds of the State that have been redeemed ;

To renew and extend the time of payment of certain bonds therein named ;

To authorize the administrator of the estate of Samuel C McGehee, of Talladega county, to sell lands belonging to said estate privately ;

To extend the time of reporting estates insolvent ;

To alter the boundary line between Dallas and Perry counties, and to annex a portion of Perry to Dallas county ;

To authorize the issuance of executions on certain judgments without a revival ;

To fix the pay of the reporter of the decisions of the Supreme Court ;

To repeal an act entitled an act to provide for the safe keeping, distribution and exchange of the Supreme Court Reports, approved February 8, 1866, and to regulate the safe-keeping, distribution and exchange of said Reports ;

To repeal an act entitled an act to provide for the printing and distribution of the decisions of the Supreme Court, approved December 12th, 1865 ;

In relation to the sale of books, the property of the State ;

To authorize the mayor and aldermen of the city of Tuscaloosa to build a bridge pontoon and establish a ferry across the Black Warrior river.

The Senate has passed the house bill—

To amend an act entitled an act to incorporate the Cahaba Insurance Company ;

The Senate rejects the House bill—

To confer additional powers upon special constables.

M. TAUL, Secretary.

Mr. McKinstry, from the same committee, reported favorably to the bills—

To define the duties of probate judges in certain cases ;

To prevent the release of persons who violate the penal laws of this State ;

To amend section 391 of the Penal Code of Alabama ;

Which was ordered to be engrossed for a third reading on to-morrow.

Also, adversely to the bills—

To amend the laws in relation to attachments and garnishments ;

For the relief of certain debtors in the State of Alabama ;

To repeal section 2302 of the Code of Alabama ;

The reports were concurred in.

Also, favorably to the bill—

To regulate the probate court of Franklin county.

On motion of Mr. Goodwin, the bill was laid on the table.

Also, adversely to the bill—

To amend section 2721 of the Code.

On motion of Mr. Worthy, the further consideration of the bill and report was postponed until Monday next, at the hour of 12 m.

Also, adversely to the bill to regulate the sale of land by executors and administrators, to pay debts.

On motion of Mr. Morse, the further consideration of the report was postponed until Monday next, at the hour of one o'clock p. m.

Also, adversely to the bills—

To amend the laws in relation to new trials, rehearing and corrections of errors after final judgments at law ;

For the relief of executors, administrators and guardians ;

To fix the mode of advertising partial and final settlements in the probate courts of this State ;

The reports were concurred in ;

Also, favorably to the bill to require the chancellor to hold

two terms of the chancery court each year in the county of Limestone ;

Report concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

Mr. McKinstry, from the same committee, to whom was referred the bills—

To regulate judicial proceedings in this State ;

To repeal an act to regulate judicial proceedings ;

To regulate judicial proceedings in the courts of Alabama ;

To amend section 1 of an act to regulate judicial proceedings, approved February 20, 1866 ;

Reported that the subject of these bills had already been considered by this House, and the legislation deemed fit thereon has been had, rendering these bills unnecessary, and asked to be discharged from any further action thereon ;

The report was concurred in, and the committee discharged.

Mr. McKinstry, from the same committee, reported adversely to the bill, to authorize the judge of probate of Tuscaloosa county to resign the office of judge of the county court ;

The report was concurred in ;

Also, favorably to the bill to amend section 1739 of the Code of Alabama, so as to effect a division of property under said section ;

To form an additional district in the southern chancery division ;

Which were ordered to be engrossed and read a third time on to-morrow ;

Also, favorably, with the following amendments, to the bill to revise judgments in certain cases :

SECTION 2. *Be it further enacted*, That where any plaintiff or plaintiffs have, during their life, or lives, transferred or assigned any judgment, and have, since such transfer or assignment died, their transferee or assignee may have such judgments revived in their own names as provided for in the first section of this act ;

Amendment adopted, and bill ordered to be engrossed and read a third time to-morrow ;

Also, adversely to the bills—

To prevent trespass on private property ;

The report was concurred in,

SPECIAL ORDERS.

The first special order, being the joint resolution in reference to adjournment,

Mr. Smith of Choctaw, moved to amend by striking out "31st January." Adopted.

Mr. Smith of Choctaw, moved to amend by inserting the "15th of February."

Lost. Yeas, 42 ; nays 44.

YEAS—Messrs. Speaker, Ash, Bourland, Brooks, Bush, Clark of Lawrence, Connelly, Cotten, Craig, Culver, Dobson, Edwards, Ferguson, Gibson, Goodwin, Hand, Hawthorne, Humphrey, Lawrence of Fayette, Lindsey, Mabry, Manasco, McCann, McCoy of Tallapoosa, McMillan, Menefee, Moore, Morse, Odum, Palmer, Richardson, Robinson of Chambers, Smith of Choctaw, Thrasher, Vansandt, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Willhite, and Worthy—42.

NAYS—Messrs. Bankhead, Borden, Brandon, Callaway, Crenshaw, Davis of Barbour, Davis of Bibb, Doster, Ellis, Faulk, Freeman, Gafford, Grant, Hare, Henry, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, Malone, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McKinstry, Oliver, Owens, Padgett, Pierce, Pipkin, Plowman, Potter, Robinson of Baldwin, Savage, Seawell, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Warren of DeKalb, Warren of Lawrence, and Woolf—44.

Mr. Thrasher moved to amend by inserting the 14th of February. Lost.

On motion of Mr. Pipkin, the resolution was laid on the table.

Yeas 47, nays 39.

YEAS—Messrs. Speaker, Ash, Bankhead, Bourland, Bush, Caffey, Connelly, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Ellis, Faulk, Ferguson, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Manasco, McCann, McCoy of Tallapoosa, McLester, McMillan, Moore, Oliver, Pipkin, Potter, Raisler, Richardson, Smith of Choctaw, Thrasher, Vansandt, Whitfield, Williams of Jackson, Williams of Randolph, Willhite and Worthy—47.

NAYS—Messrs. Brandon, Brooks, Callaway, Clark of Lawrence, Craig, Crenshaw, Doster, Freeman, Gafford, Grant, Hand, Lanier, Lawrence of Cherokee, Malone, Malloy, McAlexander, McBee, McCain, McCoy of Russell, McKinstry, Meadors, Morse, Odum, Owens, Palmer, Padgett, Plowman, Robinson of Baldwin, Savage, Seawell, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Walker, Waller, Warren of DeKalb, and Woolf—39.

Mr. Bankhead gave notice that he would move to reconsider the vote by which the resolution was laid upon the table.

Message from the Governor :

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House :

To authorize the removal of the administration of the estate of Absalom W. Arnold, deceased, from the probate court of Dallas county to the probate court of Blount county ;

Requiring dockets to be kept by probate judges ;

To relieve Philander W. Parker from the disabilities of minority ;

To authorize the court of county commissioners of the county of Choctaw to make certain appropriations ;

For the relief of Amanda L. Spangenberg, of the county of Choctaw ;

To authorize John R. Barton to practice law in all the courts in this State ;

To revive the charter of the Alabama Medical Society, and to change its name ;

To regulate the summoning of grand and petit jurors in the county of Winston ;

To grant authority to the probate court to distribute real estate by sale or division, when said property has been received under the laws authorizing executors, administrators, &c., to compromise bad and doubtful claims ;

To incorporate the Phoenix Insurance Company of Mobile.

SAM'L. H. DIXON, Private Secretary.

The next special order,

Being the Senate bill—

To amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved November 24th, 1866, and to add additional sections thereto ;

The question being on the amendment to section 3, offered by Mr. Tompkins,

Mr. Whitfield moved to refer the bill and amendment to the Committee on Internal Improvements. Lost.

Mr. Tompkins' amendment was then adopted.

Mr. Clark of Lawrence offered the following amendment :

SEC. 6. *Be it further enacted*, That any railroad company in this State whose road is now in process of construction, and

with which any of the branches authorized by section third of this act, may conflict, shall have the benefit of the above proviso in reference to the Central Railroad.

On motion of Mr. Whitfield,

The amendment was amended by adding after the word "branches" the words, "or main trunk."

The amendment, as amended, was then adopted.

Mr. McCoy of Russell, offered the following amendment :

Provided, That the railroad company shall not be entitled to any grants of lands to the State to aid in the construction of works of internal improvement, nor any of the funds known as the two and three per cent. fund, nor any of the funds now loaned to any of the railroad companies of this State; *And provided further*, That if any railroad company in the State of Alabama shall sell out to said company, or merge into said road, and any funds loaned therein by the State of Alabama, then, in that event, said company shall forfeit the amount so loaned to said railroad companies by the State of Alabama.

Pending the consideration of which, on motion of Mr. Whitfield, the House adjourned until half-past 3 o'clock p. m.

AFTERNOON SESSION, half-past 3 P. M.

The House met pursuant to adjournment.

The bill to amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga R. R. Company, approved Nov. 24, 1866, and to add additional sections thereto, was taken up, the question being on the adoption of the amendment offered by Mr. McCoy of Russell;

It was adopted.

Mr. Whitfield moved to lay the bill and amendment on the table;

Lost,

Mr. McKinstry moved the previous question.

Lost. Yeas 28; nays 53.

YEAS—Messrs. Ash, Clark of Lawrence, Doster, Ellis, Gibson, Grant, Hare, Lanier, Lawrence of Fayette, Lindsey, Manasco, McCann, McKinstry, Oliver, Palmer, Raisler, Robinson of Baldwin, Savage, Smith of Jackson, Steadham, Tompkins, Vansandt, Warren of DeKalb, Williams of Randolph, Wilhite, Woolf and Worthy—28.

NAYS—Messrs. Speaker, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Connelly, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Edwards, Faulk, Ferguson, Gafford, Hand, Hawthorne, Henry, Lawrence of Cherokee, Ledbetter, Mabry, Malone, Malloy,

McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Moore, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Richardson, Thorn, Walker, Warren of Lawrence, Whitfield, and Williams of Jackson—53.

Mr. Whitfield offered the following amendment, which was lost :

Strike out in the 19th, 20th and 21st lines, these words, to-wit : “and under and by virtue of the same, the said company may build and extend its railroads without this State. and thereafter maintain and use the same as it may deem advisable and beneficial for its interest.”

Mr. Savage moved the following amendment, which was lost :

“SEC. 6. *Provided*, That said company shall build said road upon an air line, as near as practicable, between Mobile and Chattanooga.”

Mr. Whitfield offered the following amendment :

Strike out in the 27th, 28th, 29th and 30th lines, commencing after the word “Decatur”, the following words, to-wit : “and said company is also authorized and empowered to construct and maintain, and use, such branches of rail road from its lines of railroad mentioned in this act, to mines and manufactures, and to other lines of railroad, as may be deemed by said company advisable for the public interest, and for the interest of said company.”

Mr. Worthy offered the following proviso as an amendment to the amendment :

“*Provided*, That nothing in this act shall be so construed as to authorize said New Orleans, Mobile and Chattanooga Railroad Company to build or construct any other railroad or branch road, or the branch roads herein mentioned, except the ‘main trunk’, without first obtaining a charter or legislative grant from the Legislature of this State.”

Mr. Echols moved to postpone the further consideration of the bill and amendments until to-morrow morning half-past nine o’clock ;

Lost. Yeas 34 ; nays 38.

YEAS—Messrs. Speaker, Bethea, Bourland, Brandon, Bush, Craig, Culver, Echols, Edwards, Faulk, Henry, Humphrey, Lanier, Lawrence of Cherokee, Ledbetter, Lindsey, McCoy of Tallapoosa, McMillan, Moore, Morse, Odum, Oliver, Owens, Padgett, Raisler, Thorn, Walker, Warren of DeKalb, Whitfield, Williams of Randolph, Wilhite, Woolf and Worthy—34.

NAYS—Messrs. Ash, Bankhead, Borden, Brooks, Callaway, Clark of Lawrence, Connelly, Davis Barbour, Dabson, Doster,

Ellis, Gibson, Goodwin, Grant, Hand, Hawthorne, Lawrence of Fayette, Leeper, Mabry, Malone, Malloy, Manasco, McBee, McKinstry, Palmer, Pierce, Pipkin, Plowman, Potter, Robinson of Baldwin, Savage, Smith of Jackson, Steadham, Thrasher, Tompkins, Vansandt, Warren of Lawrence, and Williams of Jackson—38.

On motion of Mr. Echols, the House adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, January 29.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Malloy.

Journal of yesterday read and approved.

Upon the call of the counties, the following bills and resolutions were introduced :

Mr. Robinson of Baldwin, a bill to increase the fees of county officers in Baldwin county ;

Mr. Meadors, a bill to give the commissioners court of the county of Chambers full and complete control over the funds of said county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Ellis, a bill for the relief of F. M. Treadaway, late tax assessor of Calhoun county ;

Mr. Meadors, a bill for the relief of the Rev. Charles K. Marshall ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Mabry, a bill to amend section 2298 of the Code ;

Mr. Clark of Lawrence, a bill to amend an act entitled an act to limit and construe an act approved January 30, 1860, entitled an act to construe section 1738 of the Code, and for other purposes.

Mr. Meadors, a bill to declare an amnesty and pardon for offences committed in certain cases against the laws of the State prior to the 25th day of July, 1865 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Vansandt, by leave, offered the following resolution,

Which was adopted :

Resolved, That a select committee of three be appointed to ascertain and report to this House what amount of the three per. cent. fund of this State, or any other fund, has been appropriated to the Tennessee and Alabama Central Railroad Company? How much received by said Company? How much expended? and what for? How much stock has been subscribed to said company, and how much paid in, and how expended? How much land has been donated to said company, and what disposition has been made of it? What are the probabilities of the Company completing the road?

And whether the said three per cent. fund, or any other fund, or the said land, if any, has been appropriated can properly be applied to cleaning out the Coosa River, and rendering it navigable;

That said committee are empowered and authorized to send for persons and papers.

Messrs. Vansandt, Leeper and Richardson, are the committee appointed.

Mr. Steadham, a bill to prohibit camp-hunting in Marion county;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Ferguson, a bill to authorize the court of county commissioners of Macon county to issue bonds;

Mr. Frazer, a bill to create a new chancery district of the county of Lee.

Mr. Sheffield, a bill to amend section 2510 of the Code in relation to advertising the attachment and levy on property, &c.

Mr. Worthy, a bill to amend sections 387, 388, 389, 390, and 391 of the Penal Code;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Bethea, a bill to amend an act entitled an act to more successfully secure the collection of rents in the city of Montgomery, approved March 8, 1848;

Which was read twice, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Worthy, a bill to make of the counties of Barbour, Pike and Coffee a single chancery district;

Which was read the first and second times, under a suspension of the constitutional rule, and

Mr. Ripkin moved to amend by striking out "Barbour county."

On motion of Mr. Worthy, the bill, with the amendment, was laid on the table.

Mr. Hand offered the following resolution, which was adopted :

Resolved, That the 43d rule of this House, which prohibits smoking in the House, lobby or gallery, be abolished ; that it shall not be considered a breach of decorum, or of any rule of parliamentary law, for members to walk about the hall, read newspapers, or write at their desks during the sitting of the House of Representatives.

Mr. McCann, a bill to change the line between Clay and Talladega counties ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries ;

Mr. Goodwin offered the following resolution, which lies over one day. under the rule :

Resolved, That hereafter the House of Representatives will meet at half-past 9 a. m., and adjourn at 2, and meet again at half-past 7 p. m.

The Senate bill to amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved 24th November, 1866, and to add additional sections thereto, was taken up.

The question being on the adoption of the amendment offered by Mr. Worthy to the amendment offered by Mr. Whitfield, Mr. Whitfield, by leave, withdrew his amendment, and accepted Mr. Worthy's as a substitute.

Mr. Palmer moved the previous question, which was sustained.

The bill was then ordered to a third reading on to-morrow.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his private Secretary,

Mr. Speaker ;

The Governor has approved bills of the following titles, which originated in this House :

For the relief of tax payers in the county of Covington ;

To legalize the election for intendants and town councilmen for the town of Cahaba ;

To levy tax in Marion county ;

To change the time of holding the circuit courts of the county of Coosa, and to repeal an act therein named ;

To confer additional powers upon the court of county commissioners of the county of Autauga ;

To incorporate the Budahatchie Water Power and Manufacturing Company ;

To amend the 8th section of an act entitled an act to incorporate the Gulf City Insurance Company ;

To incorporate the Briarfield Iron Works Company, of Bibb county ;

To authorize the courts of county commissioners of Sumter county to issue bonds for county purposes ;

To establish a medical board in the county of Marshall ;

To increase the fees of county commissioners in the county of Winston, and compel their attendance to said courts ;

To amend section 160 of the Penal Code of Alabama ;

In relation to the Alabama Insane Hospital ;

To incorporate the Arbacoochie and North Alabama Gold Mining Company.

On motion of Mr. Bankhead, the bill to form a new county out of portions of Marion and Fayette, to be called the county of "Stonewall", was taken up.

Mr. Bankhead moved to amend by striking out "Stonewall," and inserting "Jones" ;

Which was adopted ;

The bill was then read a third time, under a suspension of the constitutional rule, and passed.

Yeas 71, nays 9.

YEAS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Counelly, Cotten, Craig, Crenshaw, Davis of Barbour, Dobson, Doster, Echols, Edwards, Ellis, Frazer, Gafford, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malloy, McAlexander, McBee, McCain, McKinstry, McMillan, Meadors, Menefee, Moore, Morse, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Wilhite, Woolf and Worthy—71.

NAYS—Messrs. Davis of Bibb, Hand, Lindsey, Mabry, McCoy of Tallapoosa, McLester, Oliver, Steadham, and Williams of Jackson—9.

On motion of Mr. Goodwin,
The House adjourned till half-past three o'clock, p. m.

AFTERNOON SESSION, 3½ o'clock.
The House met pursuant to adjournment.

SPECIAL ORDERS.

The first special order being the bill—
To repeal section 1556 of the Code of Alabama ;
Yeas 39, nays 43.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Faulk, Ferguson, Gafford, Gibson, Goodwin, Hand, Hare, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, McCann, Menefee, Morse, Odum, Pierce, Potter, Savage, Sheffield, Smith of Jackson, Thrasher, Waller, Williams of Jackson, Woolf and Worthy—39.

NAYS—Messrs. Bankhead, Brooks, Caffey, Callaway, Connelly, Cotten, Dobson, Doster, Edwards, Ellis, Grant, Hawthorne, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Moore, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Raisler, Richardson, Robinson of Baldwin, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Whitfield, and Williams of Randolph—43.

The next special order, being the adverse report of the Judiciary Committee to the bill

To amend section 186 of the Penal Code of Alabama ;
It was taken up ;

Mr. Morse moved to postpone the further consideration of the bill until Thursday next, at the hour of 12 o'clock ;

Which was lost ;

The bill was then ordered to be engrossed for a third reading on to-morrow.

The next special order, being the substitute reported by the Committee on Corporations, to the bill—

To incorporate the town of Dadeville ;

The substitute was adopted, and ordered to be engrossed for a third reading on to-morrow.

The engrossed bill to repeal section 75 of the Penal Code ;

On motion of Mr. Ferguson, the bill was laid on the table.

The engrossed bill, authorizing courts of chancery and of probate, to make equitable settlements with guardians,

Was taken up, and on motion of Mr. Echols, was laid on the table.

The next special order, being the adverse report of the Judiciary Committee to the Senate bill—

To make Ellen Maria Languin and Caroline M. Baldwin free dealers—

It was taken up, and on motion of Mr. McKinstry, the bill and report were laid on the table.

OLDERS OF THE DAY.

The Senate bill—

To repeal an act entitled an act to authorize the payment of the turnkey fees of jailors in this State, approved January 18, 1866 ;

Was read the third time, and passed.

The engrossed bills—

To amend section 391 of the Penal Code of Alabama ;

To confer additional powers on solicitors ;

To authorize the executor of N. P. Croom, and the administrator of the estate of Bryan Croom, of Sumter county, to make land titles ;

To provide for the improvement of the river, harbor and bay of Mobile ;

To remove the estates of W. S. Baily from Macon county, and Isaac Ross from Tallapoosa county, to the county of Lee ;

To regulate the fees of county officers, &c., of Coffee county ;

To remove obstructions in Pea river, in Coffee county ;

To authorize the Commissioners Court of Lee county to issue treasury notes ;

To amend section one of an act to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land, approved January 31st, 1866 ;

Were read severally the third time, and passed.

The engrossed bill, to form an additional district in the southern chancery division ;

Was read the third time, and

Mr. Callaway, by leave, withdrew it.

The engrossed bills—

To authorize the court of county commissioners of Dallas county to issue bonds ;

To revive judgments in certain cases ;

To define the duties of probate judges in certain cases ;

To require the chancellor to hold two terms of the chancery court each year, in Limestone county ;

To amend section 1739 of the Code of Alabama, so as to effect a division of property under said section ;

To prevent the release of persons who violate the penal laws of this State ;

Were severally read the third time and passed.

The bill to establish a uniform and efficient system of public instruction in the State of Alabama, and to repeal the act to render more efficient the system of public schools in the State of Alabama, approved February 14, 1856, and the act to amend an act to render more efficient the system of free public schools in the State of Alabama, approved February 24, 1860,

Was taken up ;

Mr. Savage offered the following amendment, which was adopted :

Add after the words "most studious habits" in section 16, the words "and in most indigent circumstances ;"

Mr. Echols moved to postpone the further consideration of the bill until Friday next, at the hour of 12 m.

Which was lost.

On motion of Mr. Cooper, (Mr. Ferguson in the chair,)

The House adjourned until 9 1-2 o'clock a. m. to-morrow.

WEDNESDAY, January 3.

The House met pursuant to adjournment.

Pryer by the Rev. Mr. Barron.

The journal of yesterday was read and approved.

The call of counties was suspended to enable the Committee on County Boundaries, and the Committee on Corporations to report.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported favorably to the Senate bill to form a new county to be called the county of Hale ;

Mr. Henry offered the following amendments, which were adopted :

SEC. 10. *Be it further enacted*, That the property in that portion of the county of Pickens attached by this bill to the county of Greene, shall be liable to taxation for the *pro rata* proportions of any debts which may be now due by said county of Pickens, and the same shall be levied, collected and

paid over to said county, by the proper authorities of the county of Greene ;

Mr. Woolf moved to amend by striking therefrom "all the territory proposed to be taken from Marengo county ;"

Which was lost.

Mr. Whitfield offered the following amendment,

Which was lost :

Provided, That all taxes authorized by law to be collected of the people of the territory transferred by this bill from the county of Tuscaloosa to the said county of Hale, shall be assessed and collected by the tax assessors and collectors of Tuscaloosa, until the people of the territory so transferred shall have paid to the county of Tuscaloosa their due proportion of its existing debts.

Mr. Pierce, offered the following amendment ;

Which was lost :

SEC. — *Be it further enacted*, That there shall be held in the county of Greene an election on the 2d Monday in April, 1867, for the purpose of ascertaining the sense of the citizens of said county upon the change proposed in the foregoing sections of this act, at which all the qualified voters of said county shall be entitled to a vote, said election to be held at the several precincts in said county, and to be conducted in all respects, and governed by the same laws applicable to the election of county officers. The result of said election shall be certified by the sheriff to the probate judge of said county. In the event a majority of said votes are cast in favor of said change, then this act is to be of binding force and effect, but if a majority of said votes shall be cast against said change, then in that event this act is to be of no binding force or effect. The said probate judge shall, within ten days after the result of said election, make proclamation of the result thereof, by publication in the two newspapers published in said county.

The bill was then read the third time, and passed.

Yeas 74, nays 9.

YEAS—Messrs. Speaker, Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Clark of Lawrence, Connelly, Cotten, Craig, Crenshaw, Culver, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Goodwin, Hand, Hardie, Hare, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, Lindsey, Mabry, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McKinstry, McMillan, Meadors, Menefee, Moore, Morse, Odum, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Seawell, Shef-

field, Smith of Choctaw, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of Lawrence, Whitfield, Williams of Randolph, and White—74.

NAYS—Messrs. Bush, McCoy of Russell, McLester, Oliver, Pierce, Robinson of Chambers, Warren of DeKalb, Williams of Jackson, and Woolf—9.

On motion of Mr. Leeper,

The title of the bill was amended so as to read :

An act to arrange and designate the boundaries for the counties of Greene, Marengo, Perry, Pickens, and Tuscaloosa, so as to form a new county, to be called the county of Hale.

Message from the Senate.

Mr. Speaker :

The Senate concurs in the amendments of the House to the Senate bills—

For the relief of James Hill, jr., administrator of Robert Hill, deceased ;

To authorize the probate judge of Pike county to grant letters of administration on the estate of Homer V. Howard to Elizabeth G. Howard, a citizen of Georgia ;

To authorize Burgess Bennett to take out letters of guardianship in this State.

The Senate has passed the following House bills :

To declare Francis M. Boswell, a liner between the counties of Pike and Bullock, a citizen of Pike county, and to change the line between said counties ;

To authorize Sarah L. Watson, administratrix of the estate of Hugh P. Watson, deceased, to dispose of the property of said estate at private sale ;

To authorize the administrator of the estate of Harrell Hobdy, deceased, late of Pike county, to dispose of the real estate of said deceased at private sale ;

To authorize George Erwin, of Greene county, to pay taxes in Marengo county ;

To authorize F. M. Kirksley, of Greene county, to erect two gates across a public road in said county ;

To allow the commissioners court of Tallapoosa county to levy a tax greater than fifty per cent. ;

To authorize the court of county commissioners of Clarke county to borrow money ;

To authorize the court of county commissioners of Barbour

county to issue treasury notes to pay for building bridges, and other county purposes ;

To authorize John P. Shaffer, county superintendent of Talladega county, to reside in Clay county ;

To authorize the court of county commissioners of Marshall county to issue a certificate or county claim to R. Hampton, late sheriff of said county ;

To regulate sheriff's sales in Dallas county ;

To empower the commissioners court of Choctaw county to furnish blanks to certain public officers, and to purchase furniture for certain public offices ;

To remove the administration of the estate of James Albright from Montgomery to Shelby county ;

To repeal all acts and laws incorporating the town of Jasper, in Walker county ;

For the relief of Napoleon B. Rouse ;

To authorize Wilson McLemore, of Pike county, to receive and collect money for curing cancers ;

To compensate constables in the county of Walker ;

To provide for the proper representation of certain products of the State of Alabama in the Paris Universal Exposition ;

To legalize the action of the court of county commissioners of Morgan county, in a certain case therein specified ;

To authorize Mary Hughes, of Franklin county, to make titles to a certain tract of land in Franklin county ;

To repeal section 2447 of the Code, so far as it applies to Blount and Marshall and other counties therein named, approved Nov. 24th, 1867, so far as it applies to the county of Henry ;

For the relief of Charles B. Williams, of Wilcox county ;

For the relief of the sheriff of Russell county ;

To incorporate the Westville Male and Female Academy in Dale county.

The Senate has originated and passed the following bills :

To authorize the administrator of the estate of Samuel W. Davidson, sr., late of the county of Bibb, to settle the same with the heirs of said estate among themselves ;

To form a new county from a portion of Franklin, to be called Dixie ;

For the relief of William Stringer, administrator of the estate of Wm. A. Oden, deceased ;

To provide for the settlement of the account between the county of Elmore and the counties out of which it was formed ;

To incorporate the Fort Deposit Institute, in Lowndes county ;

To change the boundary line between the counties of Butler and Crenshaw ;

To enlarge the boundaries of the Canebrake Agricultural District ;

To authorize the Alabama and Florida Railroad Company of Florida, to purchase from the Alabama and Florida Railroad Company of Alabama, their road from the State line of Florida to the town of Pollard, in the county of Conecuh, and to work, conduct and manage the same ;

To incorporate the Ripville Manufacturing Company.

M. TAUL, Sec'y.

GENERAL ORDER.

The bill to establish a uniform and efficient system of public instruction in the State of Alabama, and to repeal the act to render more efficient the system of public schools in the State of Alabama, approved February 14, 1856, and the act to amend an act to render more efficient the system of free public schools in the State of Alabama, approved February 24, 1860,

Was taken up.

Mr. Tompkins offered the following amendment, which was lost :

Provided, That no portion of the school fund due in any manner from the State prior to the first day of January, 1867, shall be claimed under the provisions of this act.

On motion of Mr. Gibson, the House adjourned.

EVENING SESSION, 3½ o'clock, p. m.

The consideration of the school bill was resumed.

Mr. Lawrence of Cherokee, offered the following amendment :

Amend section 4, chapter 13, by striking out the word "one-half," in the 11th line of said section, and in lieu insert the word "one-tenth."

A division of the question being called for, the vote being taken first on striking out the word "one-half;"

It was adopted.

Mr. Cooper (Mr. Ferguson in the chair,) moved to amend by filling the blank with "one-third."

Adopted.

Mr. Tompkins offered the following amendment :

Provided, That no portion of the school fund due in any manner from the State prior to the 1st of January, 1867, shall be claimed under the provisions of this act, except amount due from tuition where children actually attended the public school during the year 1866. But the school fund claimed to be due from the State from the 16th sections or other funds prior to the 1st of January, 1867, is hereby loaned to the State, until future legislation may deem it expedient to call for its payment ;

Which was lost.

Yeas 34, nays 49.

YEAS—Messrs. Speaker, Brooks, Callaway, Clark of L., Cotten, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Faulk, Frazer, Ferguson, Goodwin, Hare, Henry, Humphrey, Lawrence of Cherokee, Mabry, McAlexander, McCoy of Russell, McCoy of Tallapoosa, McLester, Oliver, Pipkin, Robinson of Baldwin, Robinson of Chambers, Sturdivant, Tompkins, Vansandt, Whitfield and Woolf—34.

NAYS—Messrs. Ash, Bankhead, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Connelly, Culver, Doster, Gibson, Grant, Hand, Hawthorne, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCann, McKinstry, Moore, Odum, Palmer, Padgett, Pierce, Plowman, Potter, Raisler, Richardson, Savage, Smith of Choctaw, Steadham, Thrasher, Thorn, Walker, Warren of DeKalb, Warren of Lawrence, Williams of Jackson and White—49.

Mr. McCoy of Tallapoosa, moved to amend by striking out all that portion of the bill that relates to high normal schools,
Lost.

Mr. Robinson of Choctaw, moved to amend by striking out section 5, charter 13. Lost.

Mr. McCoy of Russell, moved to strike out charter 19 ;
Pending which ;

Mr. Woolf moved to lay the bill on the table. Lost.

Yeas, 19 ; nays, 54.

YEAS—Messrs. Brandon, Crenshaw, Davis of Bibb, Dobson, Frazer, Hand, Humphrey, Lawrence of Cherokee, Lindsey, Malone, McCoy of Russell, McCoy of Tallapoosa, Morse, Oliver, Robinson of Chambers, Tompkins, Williams of Jackson, Williams of Randolph and Woolf—19.

NAYS—Messrs. Speaker, Bankhead, Bethea, Borden, Bourland, Brooks, Caffey, Callaway, Connelly, Cotten, Culver, Davis of Barbour, Doster, Echols, Edwards, Faulk, Ferguson, Gibson, Grant, Hawthorne, Henry, Lanier, Lawrence of Fayette,

ette, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McKinstry, McLester, Odum, Palmer, Padgett, Pierce, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Savage, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Vansandt, Walker, Warren of Lawrence, Whitfield, Williams of Randolph and Wilhite—54.

Mr. McKinstry, from a joint committee, made the following report :

The joint committee of the two Houses, appointed to confer with the Governor, Secretary of State, Comptroller and Treasurer as to the financial condition of the Treasury, and if it be necessary, to make any provision therefor to meet the current expenses of the year, have made an examination into the subject, and report the accompanying statement of liabilities and assets, from which it appears that the amount of liabilities is \$567,837 70, and the amount in the Treasury is \$177,531 29, leaving \$390,306 41. A portion of this deficiency may be supplied by reservation of a part of a school fund, which, it is supposed, may be done without detriment to the just claims for teaching last year; but this is somewhat uncertain as to amount. There remains \$130,000 of 8 per cent. bonds authorized at the last session not yet disposed of, but in the present unsettled state of things, it may be difficult to raise money upon them.

This view of our financial condition, although discouraging, should be met with a determination to protect the credit of the State, and carry her fair name safely through this trying crisis. The committee recommend that the subject of reserving a part of the school fund be committed at once to the Committee on Education, and that such steps may be taken to secure a just settlement of the legal accounts against the school fund for the year 1866, and reserve any overplus to the State.

ALEXANDER MCKINSTRY,
Chairman.

Amount to be expended :

Interest—

London, \$688,000, 1st June, 6 per ct.	\$41,280 00
Exchange, 50 per ct.	20,640 00
London, \$648,000, 1st July, 5 per ct.	16,200 00
Exchange, 50 per ct.	8,100 00
London, (funded), \$82,560, 1st July, 6 per ct.	2,476 80
Exchange, 50 per ct.	1,238 40
London, (funded), \$64,800, 1st July, 5 per ct.	1,600 00
Exchange, 50 per ct.	810 00
New York, \$2,109,000, 1st May, 5 per ct.	52,725 00
“ “ (funded), \$473,850, 1st May, 5 per ct. ..	11,846 25
Interest payable Nov., 1867.	64,571 25
“ “ Jan., 1868.	26,730 00

\$248,237 70

Salaries.	84,100 00
Legislature.	40,000 00
Contingent expenses.	5,000 00
Feeding prisoners.	50,000 00
Conveying convicts to Penitentiary.	15,000 00
Sundries, Stationery, Fuel, &c.	5,000 00
Public Printing, including Code.	50,000 00
Supreme Court Reports.	5,000 00
Deaf and Dumb Institute.	8,000 00
Insane Hospital.	15,000 00
Interest on University Fund.	40,000 00
Distributing Acts, &c., and Code.	2,500 00

\$567,837 70

Deduct cash in Treasury.	177,531 29
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\$390,306 41

To be received from taxes.	\$188,811 00
Bonds.	130,000 00 —

\$71,495 41

On motion of Mr. Cooper, (Mr. Ferguson in the chair,)

The House adjourned until 10 o'clock a. m. to-morrow.

THURSDAY, January 31.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Vansandt.

Journal of yesterday was read and approved.

On motion of Mr. Mabry, the call of the counties was suspended to enable committees to report.

Mr. Mabry, from a select committee, reported a substitute for the bill—

Approving the consolidation of the Dalton and Jacksonville Railroad Company, with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and to act under the same.

Substitute adopted, and

The bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Leeper, from a select committee, reported a substitute for the joint resolution proposing an amendment to the Constitution of the State;

The substitute was adopted.

Mr. Potter offered the following amendment :

Strike out 500, where it occurs, and insert in lieu thereof 400. Lost.

On motion of Mr. Davis of Bibb,

The resolution was laid on the table.

Mr. Savage, from a joint select committee, made the following report :

The joint committee, to whom was referred the joint resolution instructing them to examine Comptroller's and Treasurer's reports, and ascertain therefrom what claims have been paid out of the State treasury for State officers for services rendered the State prior to the inauguration of the provisional Governor, to whom paid, what service was performed, and in what currency the same was paid, and by what authority, have had the same under consideration, and have instructed me to make the following report :

The committee, upon the examination of the statement which accompanies this report, furnished them by the State Comptroller, find that the sum of \$33,336 67, in greenbacks, has been paid out of the treasury, upon the opinion and advice of the Attorney General of the State, to State officers, for services rendered the State prior to the 20th of July, 1865.

The committee consider it unjust to pay such claims unless authorized by act of the Legislature, that body being the only authorized agent of the people ; and if such claims be paid, they should have been scaled as other debts due or contracted during the late war, as per ordinance of the State Convention.

And the committee are of the opinion that when an officer

of the State quit his office and entered or accepted an appointment under the Confederate government, he thereby abandoned his position and is not entitled to pay.

The committee are further of the opinion that the establishment of martial law in this State abolish all civil law, and thereby vacated all civil offices, and that the payment of services during the period between the establishment of martial law and the resumption of civil law, was totally unauthorized by law or justice.

And the committee further represents that upon the resumption of civil laws, a Convention of the State was called, and said Convention repudiated all pre-existing debts contracted directly or indirectly in aid of the late war, and authorize the scaling of other debts; therefore, if the State officers whose salary was due, quarterly, refused to draw the same on account of the depreciation of the currency, and afterwards demands and receives pay in good money, for services rendered the State during the late war, in a *bomb proof* civil office, the same justice should be extended to the poor but honest soldier who periled his life and fortune in the Confederate army in defence of the State. The committee further instruct me to report that, in their opinion, and under all the circumstances under which those payments were made, it was a great wrong to the State to authorize the same without the consent of the people's representatives.

T. B. SAVAGE, Chm'n.

Statement of amounts paid since the organization of the Provisional Government of Alabama, on the 20th of July, 1865, for services rendered previous thereto, showing to whom paid, on what account, the amount, and upon what authority paid:

To Thomas H. Watts, for services as Governor,	
from 1st July, 1864, to 20th July, 1865.	\$ 4,206 55
P. H. Brittan, as Secretary of State, paid under act of December 15, 1865.	550 00
W. J. Greene, Comptroller, from 1st of April, 1865, to 20th July, 1865.	723 00
D. H. Graham, State Treasurer, from April 1st, 1865, to 20th July, 1865.	784 25
A. J. Walker, Judge of Supreme Court, from 1st April, 1865, to 29th September, 1865	1,978 25
J. D. Phelan, Judge of Supreme Court, from 1st April, 1865, to 29th September, 1865	1,978 25

To G. W. Stone, Judge of Supreme Court, from 1st April to 29th September, 1865.....	1,978 25
John Foster, Chancellor, from 1st January, 1865, to 29th September, 1865.....	1,489 13
N. W. Cocke, Chancellor, from 1st January, to 29th September, 1865.....	1,489 13
J. R. John, from 1st October, 1864, to 20th July, 1865.....	1,603 25
W. J. Haralson, Judge circuit court, from 1st January to 4th August, 1865.....	2,630 43
Robert Dougherty, Circuit Judge, from 1st January to 4th August, 1865.....	1,184 78
John R. Henry, Circuit Judge, from 1st January to 31st July, 1865.....	1,168 42
C. W. Rapier, Circuit Judge, for April 1865.	166,66
W. B. Wood, Circuit Judge, from the 16th November, 1864, to 20th July, 1865.....	1,350 25
W. S. Mudd, Circuit Judge, from 1st January to 20th July, 1865.....	1,103 25
Nat Cook, Circuit Judge, from 1st 1st October, 1864, to 20th July, 1865.....	1,603 26
Porter King, —, from 1st January to 20th July, 1865.....	1,103 25
Jno. T. Heflin, from 1st January to 20th July, 1865.....	1,103 25

SALARIES OF SOLICITORS.

John D. Walden, under act of 2d December 1865.....	599 78
Samuel W. Morrow, from 20th November, 1864, to 20th December, 1865.....	271 05
J. N. Arrington, from 1st January to 20th July, 1865.....	137 91
Alberto Martin, from 1st July, 1864, to 20th July, 1865.....	262 90
R. T. Dawson, from 1st July, 1864, to 20th July, 1865.....	262 90
J. B. McDonald, from 1st July, 1864, to 20th July, 1865.....	262 90
B. Y. Ramsay, from 1st October, 1864, to 31st December, 1864.....	62 50
J. H. Caldwell, from 1st October, 1864, to 20th July, 1865.....	200 50

MISCELLANEOUS.

To J. B. Taylor, Superintendant of Education, from 1st April, to the 20th July, 1865.....	989 12
J. W. Shepherd, Reporter of Supreme Court, from 1st April to the 20th July, 1865.....	361 95
W. C. Allen, Clerk in Comptroller's office, from 1st April to 20th July, 1865.....	301 63
W. D. Brown, Marshal and Librarian, from 1st of April to 20th July, 1865.....	301 63
J. H. Judkins, Private Secretary to the Gov- ernor, from 1st April to 20th July, 1865...	377 04
J. P. Waddell, Secretary to the Governor, from 1st April to 20th July, 1865.....	377 04
J. H. Judkins, Keeper of Capitol, from 1st April to 20th July, 1865.....	45 24
John A. Graham, Auditor of Treasury, from 1st April to 20th July, 1865.....	603 25
W. D. Brown, Clerk to Secretary of State, from April 1st to 20th July, 1865.....	150 81
W. D. Graham, Clerk to Treasury, from 1st April to 20th July, 1865.....	226 22
W. C. Allen, Clerk in office of Superintendent of Education, from 1st April, to 20th July, 1865.....	494 57
Total.....	<hr/> \$34,486 45

On motion of Mr. Ferguson,

The further consideration of the report was postponed, and made the special order for Saturday next, at 12 m., and 133 copies ordered to be printed.

Mr. Woolf, from a select committee, reported a substitute for the bill—

To repeal an act for the sale of spirituous liquors at sundry places in Marengo county ;

The substitute was adopted,

And read the third time, under a suspension of the constitutional rule, and passed.

REPORT OF STANDING COMMITTEES.

Mr. Gibson, from the Committee on Local Legislation, reported adversely to the bill—

To relieve widows of small estate ;

Report concurred in ;

Also, favorably to the bill—

To amend an act entitled an act to prevent the sale of spiritous liquors in quantities less than one gallon, within three miles of Danville, in Morgan county ;

Report concurred in ;

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Gibson, from the same committee, reported favorably, as amended, to the bill—

For the relief of William Beach of Washington county ;

On motion of Mr. Sheffield, the bill was amended by adding the names of Philip Pritchett and Lottie Pritchett, his wife, of Marshall county ;

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Gibson, from the same committee, reported favorably to the bills—

Relative to the inspection, guaging, weighing and measuring of goods, wares, produce and merchandize ;

For the relief of Columbus D. Reeves and his present wife, of Randolph county ;

For the relief of Thos. D. Cole, of Choctaw county ;

To authorize the court of county commissioners of Tallapoosa county to borrow money ;

For the relief of John S. Peake and William E. Peake, of Lowndes county ;

Which were ordered to be engrossed for a third reading, on to-morrow.

Also, favorably to the Senate bill—

For the preservation of oysters in this State ;

Report concurred in ;

And bill ordered to a third reading on to-morrow.

Mr. Gibson, from the same committee, reported a substitute to the bill—

For the relief of A. L. McKinney, sheriff of Limestone county ;

Which was adopted,

And ordered to be engrossed for a third reading on to-morrow.

Also, a substitute for the bill—

To prohibit the sale of intoxicating liquors within certain limits, in the county of Limestone ;

The substitute was adopted, and ordered to be engrossed for a third reading on to-morrow,

Also, a substitute for the bill—

To regulate the election of commissioners of roads and revenue in the county of Dale ;

Which was adopted;

And ordered to be engrossed and read a third time on to-morrow.

Also, a substitute for the bill—

For the relief of Azariah Cobb of the county of Jackson ;

The substitute was adopted,

And ordered to be engrossed and read a third time on to-morrow ;

Also, a substitute for the bill—

To prevent and punish unlawful hunting and other trespass ;

On motion, the bill was amended by adding the counties of Limestone, Lee, Lowndes, Butler, Chambers, Perry, Macon, Baldwin, Monroe and Tuscaloosa ;

The bill was then ordered to be engrossed for a third reading on to-morrow ;

Mr. Gibson, from the same committee, reported adversely to the following bills—

To make Sarah E. Fowler, of the county of Tallapoosa, a free dealer ;

To exempt certain property therein named, from levy and sale for the use of every family in the county of Dale ;

For the relief of Samuel C. Vaughn of Tallapoosa county ;

To prohibit camp-hunting in Winston county ;

For the relief of Sarah Jackson, of Tallapoosa county ;

To regulate the election of county treasurer of Tallapoosa county ;

To authorize the commissioners court of Tallapoosa county to issue treasury notes for purposes therein mentioned ;

For the relief of J. M. Downs, tax assessor of Franklin county ;

For the relief of David Berry, of Jackson county ;

For the relief of Daniel Ledbetter, of Madison county ;

To authorize the court of county commissioners of Elmore county to establish an additional place of voting in said county ;

To relieve Nancy Lusk, of the county of Jackson, from the pains and penalty of bigamy ;

For the relief of W. O. Towns ;

The reports were severally concurred in.

Mr. Morse, from the same committee, reported favorably to the bill for the relief of Matilda Presslar, of the county of Choctaw:

Report concurred in, and bill ordered to be engrossed for a third reading on to-morrow.

Mr. Gibson, from the same committee, reported back to the House the petition and counter petition of certain citizens of Perote and vicinity, in Pike county, in relation to the retailing of spirituous liquors, &c.; and that the committee are of the opinion that the expression of the wishes of the people of Perote and vicinity, in said petition and counter petition, are too evenly balanced, *pro* and *con*, to warrant the committee in recommending legislative interference in the premises, and asked to be discharged from the further consideration of the subject.

The committee was discharged, and the petitions laid on the table.

Mr. Gibson, from the Committee on Local Legislation, to whom was referred the following bills :

To increase the fees of civil officers in Marion county;

To regulate the fees of the judge of probate of Pickens county ;

Reported the same back to the House, with the following resolution, which was adopted :

Resolved, That a select committee of five be appointed, to whom all bills relating to fees of civil officers may be referred, with instructions to report a general fee bill, if, in the judgment of said committee, the fees of the civil officers of the State need revision.

Messrs. Gibson, Smith of Choctaw, Woolf, Ellis and Meadors, were appointed the committee.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize the commissioners court of Russell county to issue treasury notes ;

To declare the common form of indictment under section 1059 of the Code sufficient for violations of local laws regulating the sale of spirituous liquors ;

To regulate the places of holding sheriff's sales in Bibb county.

M. TAUL, Secretary.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported adversely to the bill to create a new county of

portions of Montgomery, Lowndes and Pike, to be called the county of "Lomax".

Report of the Committee concurred in.

Also, favorably to the bills to change the line between the counties of Pike and Crenshaw ;

To change the line between the counties of Clay and Talladega ;

Which were ordered to be engrossed for a third reading on to-morrow.

Also, favorably to the Senate bill to establish the line between Cherokee and DeKalb counties, on Lookout Mountain ;

Which was ordered to be read a third time, on to-morrow.

Mr. Leeper, from the same committee, reported favorably to the bill to declare certain citizens therein named to be citizens of Calhoun county ;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Leeper, from the same committee, reported a substitute for the bill, to change the county line between Shelby and Coosa counties ;

The substitute was adopted, and ordered to be engrossed and read a third time on to-morrow.

Mr. Tompkins, from the Committee on Corporations, reported favorably to the bill, to incorporate the town of Stevenson, in the county of Jackson ;

Which was ordered to be engrossed and read a third time on to-morrow ;

Also, adversely to the bill, to establish a medical board for the county of Elmore ;

Report of the committee was concurred in.

Mr. Tompkins, from the same committee, reported a substitute for the bill, to amend an act entitled an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, approved December 12, 1849 ;

Substitute adopted, and was ordered to be engrossed for a third reading on to-morrow.

Mr. Tompkins, from the same Committee, reported adversely to the bill, to amend an act entitled an act to incorporate the Fire and Marine Insurance Company of Selma ;

Pending which, the hour of 12 m. having arrived,

The further consideration was suspended.

SPECIAL ORDERS.

Being the favorable report of the Judiciary Committee to

the bill, to locate the capital of the State of Alabama at the city of Mobile ;

It was taken up, and

On motion of Mr. Cooper, (Mr. Richardson in the Chair,) the further consideration was postponed until Wednesday next, and made the special order at the hour of 12 m.

Message from the Senate :

Mr. Speaker :

The Senate has passed the House bill, to form a new county out of portions of the counties of Marion and Fayette, to be called the county of Jones. Yeas, 32 ; nays, 0.

M. TAUL, Secretary:

GENERAL ORDERS.

The bill to establish a uniform and efficient system of public instruction in the State of Alabama, and to repeal the act to render more efficient the system of public schools in the State of Alabama, approved February 14, 1856, and the act to amend an act to render more efficient the system of free public schools in the State of Alabama, approved February 24th, 1860,

Was taken up.

The question being on the adoption of the amendment offered by Mr. McCoy of Russell,

It was lost.

Mr. Davis of Bibb, moved to amend by striking out "three" and inserting "two" in the second line of section 1st, chapter 15th ;

Which was lost.

Mr. McCoy of Tallapoosa, moved to amend by striking out "three" and inserting "one and a half," in the second line of section 2d, chapter 15th ;

Which was lost.

Mr. Robiusion of Chambers, moved to amend by excluding the county of Chambers from the operations of the bill ;

Which was lost.

Mr. Oliver offered the following amendment, which was adopted :

Amend section 13, chapter 14, by adding : " Nor shall any township, by not organizing under this law, be despoiled of its *pro rata* share of the 16th section fund, but may draw and use the same in the manner provided in article 3d, chapter 1st, of the Code of Alabama.

Mr. Clark of Mobile, moved to amend section 3d, paragraph 6th, page 46; 2d line, by striking out "two," and inserting "one;"

Which was adopted.

Mr. Callaway offered the following amendment:

Provided, also, That those county superintendents who have not drawn through the tax collector of their respective counties their *pro rata* of the school fund due the officers and teachers of their respective counties, and whose tax collectors have paid over to the comptroller the taxes due from such counties, be authorized to draw their warrants upon the comptroller, and he upon the treasurer of the State of Alabama, for such amount as is due said officers and teachers aforesaid, for services already rendered;

Which was lost.

Mr. Richardson offered the following amendment, which was adopted:

Strike out in section 2d, chapter 17, "one," in the 3d line, and insert therefor "two."

Mr. Doster offered the following amendment, which was adopted:

Strike out that part of section 17, chapter 2, included within brackets.

Mr. Clark of Lawrence, offered the following amendment, which was adopted:

Strike out in chapter 2, section 2d, the 3d line, after the word "acquirement," the words: "And of skill and experience in the art of teaching, and has been a resident of the county two years next preceding his election."

Mr. Morse moved to amend by striking out section 8, of chapter 15, page 51;

Which was adopted.

Mr. Doster moved the previous question;

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Whitfield, the vote by which the bill was ordered to be engrossed, be reconsidered.

On motion of Mr. Connelly the vote was reconsidered by which the call of the previous question was sustained, and,

Mr. McCoy of Russell, moved to strike out "six" and insert "three" in section 8, chapter, 17;

Which was adopted.

Mr. Connelly moved to amend section 1, chapter 7, by inserting after word "established," in the first line, the words "as soon as practicable;" which was adopted.

Mr. Oliver offered the following amendment,

Which was lost :

SEC. —. *Be it further enacted*, That the county commissioners of each county shall have the power to determine whether they will or will not organize public schools under the provisions of this bill ; and in the event such commissioners determine not to organize under the provisions of the bill, and by report notify the State Superintendent, may draw from the treasury of the State, through the judge of probate, such funds as such county may from time to time be entitled to, independent of this act ;

Which was lost.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 55 ; nays 31.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brooks, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Culver, Doster, Edwards, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hawthorne, Henry, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McKinstry, McLester, Menefee, Moore, Odum, Oliver, Palmer, Pierce, Plowman, Potter, Raisler, Robinson of Baldwin, Savage, Seawell, Sheffield, Steadham, Thorn, Vansandt, Walker, Warren of Lawrence, Whitfield, Williams of Randolph, and Wilhite—55.

NAYS—Messrs. Brandon, Cotten, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Faulk, Frazer, Hand, Hare, Humphrey, Lawrence of Cherokee, Lindsey, Mabry, Malone, McCoy of Russell, McCoy of Tallapoosa, Meadors, Morse, Owens, Padgett, Pipkin, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Sturdivant, Tompkins, Waller, Warren of DeKalb, Williams of Jackson, and Woolf—31.

The resolution proposing that the House of Representatives meet at 9 1-2 a. m., adjourn at 2 p. m., and meet again at 7 1-2 p. m., was taken up, and on motion of Mr. Mabry, was laid on the table.

Message from the Governor, by his Private Secretary, Mr. S. H. Dixon.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House :

To authorize Marcus S. Jones of Cherokee county, to settle with his guardian, and for other purposes ;

To authorize the commissioners court of St. Clair county to issue treasury notes for the purpose of repairing public buildings ;

For the relief of Rufus Forrester of Randolph county ;

To repeal an act entitled an act to regulate proceedings before justices of the peace in cases of misdemeanors cognizable before them, approved January 20, 1866 ;

For the relief of Charles J. Deramus of Autauga county ;

To authorize the corporate authorities of Marion to enforce the collection of taxes for the legitimate purposes of the corporation ;

For the relief of Laura E. Houston of the county of Autauga ;

To compensate the clerk of the committee on the Code, employed by the committee on the authority of the General Assembly ;

To remove the estate of Moses Kahn from Mobile county to Wilcox county ;

Granting to the city of Mobile the riparian rights in the river front.

SAMUEL H. DIXON, Private Secretary.

On motion of Mr. Padgett, the House adjourned until half-past 3 o'clock, p. m.

EVENING SESSION, 3 1-2 o'clock.

The House met pursuant to adjournment.

On motion of Mr. Lawrence of Fayette, the bill to form a new county out of portions of Marion and Fayette, to be called the county of Jones, was taken up, and the Senate amendment concurred in.

The Senate bill to amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved Nov. 24th, 1866, and to add additional sections thereto, was taken up, and read the third time, and passed.

Yeas 59 ; nays 19.

YEAS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Bush, Clark of Mobile, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ellis, Ferguson, Gibson, Goodwin, Grant, Hand, Hare, Hawthorne, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Menefee, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Rob-

inson of Baldwin, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Tompkins, Vansandt, Warren of DeKalb, Williams of Randolph, Wilhite and Woolf—59.

NAYS—Messrs. Bethea, Bourland, Caffey, Callaway, Cotten, Craig, Crenshaw, Culver, Echols, Edwards, Faulk, Goldthwaite, Henry, Lindsey, McCoy of Tallapoosa, Thorn, Walker and Whitfield—19.

The engrossed bills—

To incorporate the town of Dadeville, in Tallapoosa county ;

To give the commissioners court of the county of Chambers full and complete control over the funds of said county ;

To increase the fees of the county officers of the county of Baldwin ;

To authorize the town council of the town of Greensboro, in Greene county, to issue its bonds, and to subscribe to the capital stock of railroad companies, and levy and collect taxes to pay the principal and interest of the same ;

To amend section 2298 of the Code ;

To regulate the distribution of the Revised Code ;

To amend an act entitled an act the more successfully to secure the collection of rents in the city of Montgomery, approved March 8th, 1848 ;

To amend section 186 of the Penal Code of Alabama ;

In relation to the competency of witnesses ;

Were severally read the third time, and passed.

The Senate bills—

To regulate the time for the election of the State Printer, and the term of his office ;

To legalize the action of the commissioners court of Marengo county upon certain matters therein contained ;

To authorize the Secretary of State to furnish the judge of the 4th judicial circuit with reports of the supreme court, in place of those lost during the war ;

Were severally read the third time, and passed.

Mr. Crenshaw, under a suspension of the rules, introduced a bill to amend an act to exempt certain property from levy and sale ;

Mr. Grant offered the following amendment :

SEC. —. *Be it further enacted.* That the exemptions provided for in this act, shall not save or exempt any of the property or effects of any defendant from seizure and sale to satisfy any claim for wages or labor, or for service performed, or for materials furnished by any mechanic, or for any debt contracted with a party who is not the owner in his or her own right of

property, or other effects equal in value to the property exempt by the provisions of this act ; *Provided*, That any plaintiff, before he can claim the right of seizure on account of not being worth as much as the defendant has exempted under the provisions of this act, shall make out, under oath or affirmation, a list or schedule of all of his property, money and other effects, which list shall be deposited with the officer before whom the case was tried ; and should such list contain a false statement of the amount or value of the money, property or effects of such plaintiff, he shall be deemed guilty of false swearing, and, on conviction, shall be liable to the pains and penalties now or hereafter to be provided for by the law for like offences,

SEC. —. *Be it further enacted*, That any defendant, before he or she can claim the benefit of the exemption provided for in this act, shall make out a true and correct list of schedule under oath or affirmation of all the money, property or other effects of which he or she was the owner or possessor at the time the suit was instituted, upon which such exemption is claimed, and all such property, money or effects, or so much thereof as may be necessary to pay the claim of such plaintiff, and any legal cost which may have arisen in the case, and any defendant making a false return of his property or other effects, or the amount of money as above provided for, or failing to deliver the same to the sheriff or other officer who may be authorized to make the seizure, shall be deemed guilty of a misdemeanor, and on trial and conviction shall be subject to all the pains and penalties now or hereafter to be provided by law for like offenses, and shall, in addition thereto, be deprived of all the exemptions provided for in this act,

Mr. Pierce offered a substitute for the bill ;

The bill, amendment and substitute were referred to the Committee on the Judiciary,

The House then took up the bill, and reported by a select committee —

To provide a mode of vacating the charters of railroad companies in this State,

Mr. McKinstry offered the following amendment ;

Which was adopted ;

Add at the end of section 5th, "but the rights and franchises of such corporation shall not be seized, or vacated, or suspended, if an appeal is taken, until the appeal is decided adversely to the companion, and the appeal may be taken without bond."

Mr. Morse offered the following amendment, which was adopted ;

Add, in the second line of the fourth section, after the word "proceedings," the words, "together with a copy of the information ;"

Mr. McCoy of Russell, moved to amend by striking out the words, "otherwise to be paid out of the State treasury." in section 3 ;

Lost.

Mr. Pierce moved to amend by adding to the end of 5th section the words "until such judgments are satisfied ;"

Adopted.

Mr. McKinstry moved to amend by adding the following section :

SECTION 6. *Be it further enacted*, That this bill shall not apply to any road until it is fully completed and finished—that is to say, receiving freight and passengers on any portion of their line. Lost.

Mr. McCoy of Russell, moved to amend by striking out 3d section ;

Mr. Grant moved to amend the amendment by striking out all after the enacting clause ;

Pending the consideration of which ;

On motion of Mr. Morse, the House adjourned.

FRIDAY, February 1.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hand.

Journal was read and approved.

On motion of Mr. Morse, the vote concurring in the adverse report of the committee to the bill, to establish a medical board for the county of Elmore, was reconsidered and the bill ordered to be engrossed.

On motion of Mr. McKinstry, the vote by which the bill relative to the inspection, gauging, weighing and measuring of goods, wares, produce and merchandise,

Was ordered engrossed and reconsidered, and the bill was made the special order for Thursday next, at the hour of 12 m.

On motion, the adverse report of the Committee on Corporations to the bill, to amend an act entitled an act to incorporate the Fire and Marine Insurance Company of Selma ;

Was taken up, and the House refused to concur in the report.

The bill was then ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr. McCoy of Russell, the vote was reconsid-

ered, by which the bill to amend an act entitled an act the more successfully to secure the collection of rents in the city of Montgomery, approved March 8th, 1848 ;

Was passed, and

On motion of Mr. Bethea, the vote by which it was ordered to a third reading, was reconsidered, and the bill was made the special order for Monday next, at the hour of 12 m.

On motion of Mr. Mabry, the call of the counties was suspended to enable the Standing Committees to report.

REPORTS OF STANDING COMMITTEES.

Mr. Tompkins, from the Committee on Corporations, reported favorably to the Senate bills—

To incorporate the town of Gadsden, in the county of Baine ;

To incorporate the town of Greenville ;

To establish a medical board in the county of Jefferson ;

To incorporate the Union Springs Saving Association ;

Which were ordered to be read the third time on to-morrow.

Mr. Tompkins, from the same committee, reported favorably, with the following amendments, to the Senate bill "to incorporate the Montgomery Water Works Company for the city of Montgomery":

In section 7, second line, amend by erasing the word "fifty" and substituting "twenty-five"; also, by adding the following additional section to the body of the bill :

"SEC. 8. *Be it further enacted*, That nothing contained in the act shall be so construed as to authorize the said corporation, or their agents or employees, to make any excavations for laying pipes or aqueducts through any of the streets, lanes, or alleys, or public grounds of the city of Montgomery, only on such terms and conditions as may be agreed upon with the mayor and common council of said city."

Amendments adopted, and the bill was ordered to be read the third time, on to-morrow.

Mr. Tompkins, from the same committee, reported favorably, with an amendment, to the bill to incorporate the Demopolis Fire and Marine Insurance Company.

On motion of Mr. Woolf, the motion was laid upon the table.

Mr. Woolf offered the following amendment, which was adopted :

Strike out that part of section 8 which reads as follows, to-wit: To issue bills or notes payable on demand to bearer, to an amount not to exceed the capital stock of said company actually paid in, and to redeem the same in currency".

The bill was then ordered to be engrossed for a third reading.

Mr. Tompkins also reported favorably to the bills—

To incorporate the Barnett Manufacturing Company ;

To change the name of Tenn. & Ala. Central Railroad Company ;

To incorporate the town of Summerfield, in the county of Dallas ;

To repeal section 2 of an act incorporating Lineville Male and Female Academy, approved Feb. 9, 1860, and substitute a section in lieu thereof, as section 2 ;

To incorporate the Alabama Mutual Life Insurance Company, of Selma ;

To incorporate the Fireman's Club of Mobile ;

Which were ordered to be engrossed for a third reading on to-morrow.

Also, favorably to the Senate bill—

To incorporate the Montgomery Literary Society, a literary and library Association in the city of Montgomery ;

Which was ordered to be read a third time on to-morrow.

Also, favorably, with amendment, to the bill to incorporate the Cornwall Iron Works Company, and to grant said company certain privileges therein specified ;

The amendments were adopted, and the bills ordered to be engrossed for a third reading.

Mr. Tompkins, from the same committee, reported favorably with the following amendment to the bill—

To incorporate the Sepulga River Manufacturing Company.

Amend by striking out the words "and their purposes," wherever they occur in said bill, and incorporate the following in the same, as—

SEC. 5. *Be it further enacted*, That the franchises granted under the provisions of this charter be and the same are hereby vested for the term of 25 years from the date of the approval thereof.

The amendments were adopted, and the bills ordered to be engrossed for a third reading.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed the following bills :

In relation to the interest upon the State debt, falling due in the months of May, June and July ;

To authorize the use by the State of certain moneys arising

from a tax upon land, under the 5th section of an act to assume and provide for the payment of the tax upon real estate, imposed by act of Congress of the 5th of August, 1861 ;

To authorize the commissioners court of the county of Morgan to re-issue treasury notes ;

To charter a ferry across Coosa river at or near Cedar Bluff, in Cherokee county ;

To empower the commissioners court of Jackson county to issue treasury notes ;

To incorporate the Warrior Bridge, Pontoon and Ferry Company ;

For the allowance of offsets in certain cases where the statute of limitations is pleaded ;

To authorize the mayor and aldermen of the city of Tuscaloosa to issue the bonds of the city for the purposes therein named.

The Senate has passed the following House bills :

To authorize the probate court of Russell county to grant an application of Mrs. M. E. Whitaker for dower ;

To change the boundary lines between the counties of Marion and Fayette ;

To authorize persons to keep and use skiffs, or other crafts therein named, for conveying foot passengers across the Black Warrior River, opposite the city of Tuscaloosa ;

To amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved January 2, 1833,

M. TAUL, Secretary.

Mr. Tompkins, from the Committee on Corporations, reported favorably, with the following amendment, to the bill to incorporate the Gainesville Manufacturing Company ;

Amended by inserting in 7th line of the 5th section, after the word "stock", the word "subscribed"

Amendment adopted, and the bill ordered to be engrossed for a third reading.

Also, favorably to the bills—

To incorporate the Selma Cotton Press Company ;

To incorporate the Selma Building and Loan Association ;

Which were ordered to be engrossed for a third reading on to-morrow.

Also, favorably, with an amendment, to the bill to incorporate the Sipsey Bridge Company :

"SEC. 10. *Be it further enacted*, That the franchises granted

under the provisions of this charter, shall be vested for the term of twenty-five years from the date of the approval thereof”.

The amendment was adopted, and the bill ordered to be engrossed for a third reading.

Also, favorably to the bill to incorporate Sipsey Falls Manufacturing company, with the following section added thereto :

“SEC. 8. *Be it further enacted*, That said corporate powers are hereby vested for the term of twenty-five years from the date of the approval thereof”.

Amendment was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Leeper, from the Committee on Internal Improvements, reported favorably, with the following amendment, to the bill—

To continue in force the right of the Selma and Montgomery Navigation Company :

SEC. —. *Provided*, Said company shall comply with the requirement of the act of incorporation of said company, approved 22d February, 1866, within 12 months from the 1st day of January, 1867 ;

The amendment was adopted and bill ordered to be engrossed for a third reading.

Also, favorably with the following amendment to the bill In relation to fences and for the protection of crops :

Strike out of the 4th section the words “and upon a repetition of the offence, and for every succeeding one, judgment shall be given for double the amount for damages sustained by the complainant ;”

Also, amend 5th section by adding at the commencement of said section, “that the provisions of this act shall apply only to the county of Dallas and such other counties as may be added at the request of their Representatives on this floor ;”

The amendments were adopted.

Mr. Brooks offered the following amendment;

Which was adopted :

Provided, That persons owning lands upon the line of other counties in which this law is in force, shall keep lawful fences upon such lines as now required by law, and that stock going from other counties in any county where this act is in force, shall in no way be affected thereby.

On motion of Mr. Mabry, the bill was laid on the table.

SPECIAL ORDER.

Being the bill to repeal certain acts to amend the charter and

to fix the Eastern boundary of the city of Montgomery ;
It was taken up and bill ordered to be engrossed for a third reading to-morrow.

The next special order, being the bill—

To add the county of Bullock to the 8th judicial circuit ;

It was taken up and referred to the select committee on judicial circuits ;

Mr. Leeper, from the Committee on Internal Improvements, reported favorably to the bill—

To authorize the building of a railroad between Gainesville and Eutaw, and a connection of roads at these points ;

Which was ordered to be engrossed for a 3d reading ;

Mr. Gibson made the following report—

Your committee on Internal Improvement, to whom was referred the communication of Mr. Vansandt of Coosa, on the geological formations of the State, have had the same under consideration, and have instructed me to report :

That in the opinion of your committee, the subject matter of said communication being more of *scientific* than legislative interest, it is advisable that it should go forth to the world in a more popular form than is usual for the proceedings of the House to be published. We therefore recommend that the author of said communication be allowed to *withdraw the same*, in order that the public may have the benefit thereof, in such manner as in his judgment may seem most desirable ;

The report of the committee was concurred in, and the communication withdrawn ;

Mr. Gibson, by leave, from the committee on local legislation, reported adversely to the bill—

To authorize the commissioners of revenue for Mobile county to elect the tax assessor for said county, and remove such assessor ;

On motion of Mr. McKinstry, the bill and report were laid on the table.

Mr. Whitfield, from the Committee on Ways and Means, reported adversely to the following bills—

To authorize John S. Anthony, of Marion county, to retail liquors without license ;

To amend paragraph 5, sec. 4, chap. 1st, of an act to establish revenue laws of the State of Alabama, approved Feb. 22, 1866 ;

To authorize Zachariah Rogers, of Macon county, to peddle without license ;

For the relief of the tax collector of Fayette county ;

For the relief of John H. Sanford, of Tallapoosa county ;

To repeal an act taxing pistols and revolvers ;

To exempt cotton factories from taxation for a time therein stated ;

To compensate judges of probate for collection of revenue from licenses and other sources ;

To levy a tax on flat-bottom sail-boats used exclusively for transportation of wood and lumber ;

To amend section 11 of an act to establish revenue laws of the State of Alabama, approved Feb, 22d, 1866 ;

For the relief of Wm. H. Baggett, of Elmore county ;

To repeal sections 8, 9 and 10 of an act entitled an act to establish revenue laws of this State, approved Jan, 16, 1866, and for other purposes ;

For the relief of Jonas Gibson and Jonathan Walker, of Winston county ;

Reports severally concurred in.

Also, adversely to the bill—

To authorize the Governor to take steps to have the constitutionality of the Federal law imposing a tax of three cents per pound on cotton tested,

On motion of Mr. Grant, the bill was laid on the table.

Also, adversely to the bill to amend the revenue laws of this State, approved Feb. 22, 1866.

On motion of Mr. Morse, the bill was laid on the table.

Mr. Whitfield reported favorably, as amended, to the bill for the relief of Felix G. Hubbard, of Russell county ;

Amend by striking out "the State" and inserting "the county of Russell."

Mr. McCoy of Russell, moved to amend the amendment, by inserting "Opelika, in Lee county." Adopted.

Mr. Morse offered the following amendment, which was adopted ;

Provided, That the rights conferred in this bill shall apply to all blind men in this State, in their respective towns or counties.

The bill was ordered to be engrossed for a third reading on to-morrow.

Also, favorably to the bill—

For the relief of Mobile county ;

Which was ordered engrossed for a third reading on to-morrow ;

Also, adversely to the bill, for the relief of securities for L. M. Stiff.

On motion of Mr. Whitfield, the further consideration of the

report and bill was postponed until Tuesday next at the hour of 12 m.

Mr. Whitfield, from the same committee, reported adversely to the bills—

For the relief of Benjamin Openheimer, a citizen of Lowndes county, Alabama ;

To authorize the magistrates to assess the taxes of Tallapoosa county, Alabama ;

To amend section 9 of an act to establish revenue laws of the State of Alabama ;

To amend section 76 of the Code of Alabama ;

To amend section 44 of the revenue law ;

For the relief of Mrs. Hannah Murphy, of Montgomery county ;

To amend the revenue laws of the State, approved February 22d, 1866.

Petition of the citizens of Lexington, Lauderdale county, Alabama, for the relief of Samuel Bentley; and for other purposes ;

The reports were severally concurred in.

Also, adversely to the bill to establish the office of commissioner to do any remaining unsettled business of the State bank and branches, and to provide for the payment of the foreign debt of the State ;

The report of the committee was concurred in ;

Also, reported back to the House the bill, authorizing judges of probate to issue executions for cost ;

The bill was referred to the Committee on the Judiciary.

Mr. Whitfield, from the same committee, reported favorably to the Senate bills—

To fix the fees of the clerk of the supreme court for binding up the records of supreme court cases ;

For the relief Barbara M. Ralph ;

Which were ordered to be read a third time to-morrow ;

Also, adversely to the Senate bills—

To provide for the keeping of the Alabama State Tract Books, and furnish registers from the same to the several counties of this State ;

To allow Jonathan Cooper, of Macon county, to peddle in said county free of tax ;

To secure more effectually the assessment of taxes in this State ;

Report of the committee concurred in.

Also, adversely to the Senate bill to amend the third paragraph of section 4 of chapter 1 of an act to establish revenue

laws of the State of Alabama, approved February 22, 1866 ;
The bill and report were laid on the table.

Mr. Morse, from the Committee on Federal Relations, submitted the following report :

The Committee on Federal Relations, to whom was referred joint resolutions memorializing the United States Congress to pass an act establishing a uniform system of bankruptcy, have had the same under consideration, and have instructed me to report as follows :

The committee are constrained to admit the necessity of the relief sought in the joint resolution. The late civil war has exhausted the means and resources of the people. The destruction of their property has resulted in almost universal insolvency and wide spread devastation, want and misery. It is nearly impossible that the present immense mass of indebtedness can ever be discharged under the existing system of labor, and in the ordinary course of events. These facts the committee are forced to concede.

But while we indulge in no feeling of disrespect toward the Federal Government, and acknowledge obedience thereto, and would be happy to become the recipients of any relief that might constitutionally emanate from that source, yet the promptings of self respect forbid the propriety of further obtruding our appeals upon a Congress who refuse to recognize the State of Alabama for any purpose than that of taxation. These sentiments are not expressed in a spirit of hostility ; on the contrary, it is a source of regret that Congress has assumed an attitude towards the State of Alabama totally incompatible with the mutual obligations of allegiance and protection.

The past action of that body, and the peculiar relations existing between it and the State of Alabama, afford no promise whatever that the memorial would even be respectfully entertained, much less that the prayer of the memorialists would be granted. Nor is this conclusion at all affected by the fact that the law which is petitioned for is designed to be general in its operations. Experience has taught us that the legislation of Congress is affected by considerations looking to the interest exclusively of but one section of the Union ; and if the necessities of the Northern States demand the passage of a bankrupt law, it is questionable whether Alabama would be included in its benefits.

Greater evils can befall a people than the destruction of property or the pressure of debts. The loss of self respect and honor is always the precursor of an era of vice and corruption,

and these bring with them evils that bankrupt laws rather aggravate than remedy.

—It is believed by the committee, that a spirit of compromise and indulgence among the people, coupled with a system of wise and lenient State legislation, will, within a few years, bring substantial relief to all classes in the State.

A people who thoroughly understand the principles of self-reliance, and appreciate the important truth that labor is honorable, will rarely stand in need of governmental aid. It is this spirit that the committee desire to see diffused through the State, and cultivated by all classes of the people.

They therefore recommend that the joint resolution do not pass.

JOSHUA MORSE,
Chairman.

The question being on concurring in the report of the committee.

On motion of Mr. McKinstry, the further consideration of the report was postponed until to-morrow.

On motion of Mr. Whitfield, the House adjourned until 3½ o'clock, p. m.

AFTERNOON SESSION, 3½ o'clock.

House met pursuant to adjournment.

The roll was called and only 36 members answered to their names ;

There not being a quorum—

On motion of Mr. Vansandt, the House took an informal recess of 15 minutes.

Leave of absence granted Mr. Davis of Barbour.

Mr. Mabry, from the Committee on Banks and Banking, reported a substitute for the bill—

To authorize the commissioners court of Dale county to issue treasury notes ;

The substitute was adopted,

And read the third time under a suspension of the constitutional rule, and passed.

Also, reported a substitute for the Senate bill—

To authorize John Whiting, commissioner and trustee, to make a deed to Isaac E. Younge ;

The substitute was adopted,

And ordered engrossed for a third reading.

Mr. Mabry also reported the following amendment to the bill—

To re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery ; ,

Add in section 3 of said act, after the words "so soon as," the words "ten per cent of"; also, in section 3; the said corporation is hereby authorized to issue certificates of deposit in such form and such amounts, redeemable in United States currency, in such manner as the president and directors of said company shall decide upon, and for any failure to redeem its said certificates of deposit according to their legal import, any person aggrieved thereby, shall be entitled to employ the same remedy which the law has provided for like failures of the chartered Banks of this State to redeem their notes.

SEC. 4. *Be it further enacted*, That the Legislature shall at all times have the power to cause the offices of the said company to be investigated, and in any case of violation of the privileges hereby conferred, to cause proceedings to be instituted for a forfeiture of its charter:

The amendments were adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Ellis, from the Committee on Propositions and Grievances, reported favorably to the Senate bill—

For the relief of Moses White, administrator of the estate of George R. Lybrook, of the county of Lauderdale;

Which was ordered to be read on to-morrow the third time.

Also, adversely to the bill for the relief of maimed indigent soldiers of Alabama:

Report of committee concurred in.

Also, favorably to the bill to repeal an act establishing the city court of Eutaula, Barbour county;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Doster, from the Committee on Education, reported adversely to the bill to make an appropriation for the school teachers for the year 1865;

To explain the criminal law to the negroes of this State;

Reports concurred in.

Also, adversely to the resolution requiring the committee to inquire into the expediency and propriety of abolishing the office of county superintendent.

Report concurred in.

Also, favorably to the bill for the relief of Joseph F. Fason, of Greene county;

Which was ordered to be engrossed for a third reading on to-morrow.

Also, adversely to the Senate bill—

In relation to the office of county superintendent of education in the several counties of this State.

Report of the committee concurred in.

Mr. Doster, from the same committee, reported adversely to the Senate bill—

In relation to the office of Superintendent of Education for the State of Alabama.

Mr. Morse moved to postpone the further consideration of the report until Thursday next, and make it the special order at the hour of 12 m.

Lost.

On motion of Mr. Grant, the report and bill were laid on the table.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill—

Organizing a chancery district of certain counties therein named.

M. TAUL, Secretary.

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably to the Senate bill—

To provide blank books for records in Conecuh, Fayette and Jackson counties ;

Mr. Winston moved to amend by adding the county of Walker ;

Which was adopted.

Mr. Tompkins moved to amend by adding the county of Mobile ;

Which was adopted.

On motion of Mr. Padgett,

The reports, bills and amendments were laid on the table ;

Mr. Ellis, from the Committee on Propositions and Grievances, reported favorably to the bill—

For the relief of W. D. Harper, late sheriff of Morgan county ;

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably to the Senate bill—

For the relief of John P. Earp, of Fayette county ;

Mr. McCoy moved to amend by adding the words, “pay — Chambers, jailer of Russell county, the sum of seventy-five dollars ;”

Pending which, on motion of Mr. Bethea, the House adjourned until to-morrow morning, at 10 o'clock.

SATURDAY, February 2d.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

The journal of yesterday was read and approved.

On motion of Mr. Edwards, the vote concurring in the adverse report of the Committee on Ways and Means to the bill,

For the relief of William H. Baggett, of Elmore county, was reconsidered.

On motion of Mr. McCoy of Russell,

The vote concurring in the adverse report of the Committee on Propositions and Grievances to the bill—

For the relief of maimed indigent soldiers of Alabama, was reconsidered.

Mr. Doster gave notice that, at some suitable time, he would move to reconsider the vote of yesterday, concurring in the adverse report of the Committee on Ways and Means to the bill—

To exempt cotton factories from taxation, for a time therein stated.

On motion of Mr. Clark of Mobile,

The bill to establish revenue laws of the State of Alabama, Was taken from the general orders, and made the special order for Monday next, at the hour of 12 o'clock.

On motion of Mr. McKinstry,

The call of counties was suspended to receive reports from standing committees.

REPORT OF STANDING COMMITTEES.

The favorable report of the Committee on Accounts and Claims to the Senate bill—

For the relief of John P. Earp, of Fayette county, was taken up ;

The question being on the adoption of the amendment offered by Mr. McCoy of Russell, it was lost ;

The bill was then ordered to a third reading on to-morrow.

Mr. Gafford, from the Committee on Accounts and Claims, reported favorably to the bill—

For the relief of James B. Farmer, late sheriff of Calhoun county ;

Mr. McCoy of Russell, moved to lay the bill and report on the table ;

Which was lost.

Mr. Callaway moved to re-commit the bill to the committee, with instructions to report a general bill ; which was lost.

The bill was then ordered to be engrossed for a third reading on to-morrow ;

Also, adversely to the bill for the relief of James P. Little, Elias Steedman and Wm. Wakefield, of Walker county ;

On motion of Mr. Manasco, the report was laid on the table ;

Mr. Manasco moved to amend by striking out \$150 where it occurs and inserting in lieu therefor \$87 ;

Which was adopted.

On motion of Mr. McCoy of Russell, the bill was laid on the table ;

Yeas 41 ; nays 35.

YEAS—Messrs. Brooks, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Crenshaw, Culver, Davis of Bibb, Faulk, Frazer, Gafford, Hand, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Ledbetter, Leeper, Lindsey, Mabry, Malloy, McAlexander, McBee, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Oliver, Owens, Padgett, Pipkin, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Thorn, Tompkins, Vansandt, Waller, Whitfield, and Wilhite—41.

NAYS—Messrs. Speaker, Ash, Bush, Connelly, Craig, Dobson, Ferguson, Goldthwaite, Grant, Hardie, Hare, Lanier, Lawrence of Fayette, Malone, Manasco, McCann, Moore, Morse, Odum, Palmer, Pierce, Plowman, Potter, Richardson, Seawell, Smith of Choctaw, Steadham, Sturdivant, Walker, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf, and Younge—35.

Mr. Clark of Mobile, gave notice that he would move to reconsider the vote concurring in the adverse report of the Committee on Ways and Means, to the bill to abolish the office of commissioner and trustee for closing the State bank and branches ;

Mr. Gafford, from the Committee on Accounts and Claims, reported adversely to the bill for the relief of Sam'l C. Stramler, census taker of Mobile county ;

Mr. Tompkins moved to lay the bill on the table ;

Which was lost.

The report was concurred in.

Also, adversely to the bill for the relief W. W. McGowin, M. D., of Clarke county, Alabama ;

Report concurred in.

Also, favorably, with the following amendment, to the bill for the relief of Palmer A. Kindrick, jailor of Shelby county :

Amend by striking out \$1,278 50 and inserting \$211 10 ;

The amendment was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Morse gave notice that he would move to reconsider the vote concurring in the adverse report of the Committee on Education, to the bill to explain the criminal law to the negroes of this State ;

Mr. Gafford, from the Committee on Accounts and Claims, reported adversely to the bill for the relief of E. C. England and Gordon Cunningham, of Marengo county ;

The report of the Committee was concurred in.

Mr. Gafford, from the same committee, reported adversely to the bill for the relief of Wm. R. Hardaway, sheriff of Greene county ;

Mr. Pierce moved to lay the report on the table ;

Which was lost.

The House concurred in the report.

Also, adversely to the bills for the relief of C. B. Elliott, of Shelby county ;

For the relief of Wm. Ellison, of Shelby county ;

The reports were concurred in.

Also, adversely to the bill to authorize the Governor to adjust and settle the claim of McClung & Jaques for salt, against the State of Alabama ;

Mr. Woolf moved to postpone the further consideration of the report until Tuesday next, at the hour of 11 o'clock ;

Which was lost.

Mr. Cooper, (Mr. — in the Chair,) moved to refer the bill and report to the Judiciary Committee. Lost.

The report of the committee was concurred in.

Yeas, 70 ; nays, 13.

YEAS—Messrs. Ash, Borden, Bourland, Brandon, Bush, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Culver, Davis of Bibb, Dobson, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Goldthwaite, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, Menefee, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Jackson, Steadham, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Wilhite and Younge—70.

NAYS—Messrs. Speaker, Bethea, Craig, Crenshaw, Gibson,

Goodwin, Lanier, Leeper, McMillan, Plowman, Richardson, Whitfield, and Woolf—13.

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed the following bills :

To incorporate the Hebrew Ladies' Benevolent Society ;

To amend an act entitled an act to amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior River, opposite the town of Tuscaloosa, approved January 2d, 1833 ;

To incorporate the Eufaula Home Insurance Company, approved February 9, 1861 ;

In regard to roads, bridges and ferries in the county of Mobile.

The Senate has passed the House bill, approving the consolidation of the Dalton and Jacksonville Railroad Company with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and to act under the same.

M. TAUL, Secretary.

The hour of 12 m. having arrived, the

SPECIAL ORDER,

On motion of Mr. Padgett, was postponed until the Committee on Accounts and Claims got through with their reports.

Mr. Padgett, from the Committee on Accounts and Claims, reported adversely to the Senate bill for the relief of S. B. Hudson, sheriff of Lauderdale county, and E. C. McWilliams, sheriff of Wilcox county.

Mr. McAlexander moved to lay the report on the table ;

Lost.

The report of the committee was concurred in.

Also, adversely to the Senate bill for the relief of the sheriff of Pickens county.

Message from the Senate by Mr. Garrett :

Mr. Speaker :

The Senate has originated and passed, by the constitutional majority required, a bill to establish a system of internal improvement in the State of Alabama.

M. TAUL, Secretary.

Mr. Padgett also reported adversely to the bill for the relief of John D. Riley, of Covington county ;

Report concurred in.

Also, favorably, with the following amendment, to the bill for the relief of James Gober, of Franklin county :

Amend by striking out "\$50" where it occurs in the bill, and inserting "\$30 40";

The amendment was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Also, adversely to the bill for the relief of Champion Farris, late sheriff of Marshall county ;

Report concurred in.

Also, favorably, with amendment, to the bill to relieve Harris & Hoyt, of Montgomery county :

Amend by striking out "\$33 54" and inserting "\$15 60";

Amendment adopted, and the bill ordered to be engrossed for a third reading.

Also, favorably to the bill for the relief of Samuel Henry, of Cherokee county ;

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Caffey, from the same committee, reported favorably to the bill for the relief of John Callahan, of Montgomery county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Padgett, from the same committee, reported adversely to the following bills :

To make additional appropriations to the census takers of this State ;

For the relief of Lemuel Nelson, sheriff of Franklin county ;

For the relief of John Hart, sheriff of Morgan county ;

For the relief of Daniel Carmichael ;

For the relief of Wm. R. Day, late tax collector of Madison county ;

The reports were severally concurred in.

Also, favorably to the bill for the relief of W. B. Sams ;

Which was ordered to be engrossed for a third reading on to-morrow.

Also, adversely to the bill to compensate Thomas T. McCokle, late tax assessor of Lauderdale county.

Mr. Bourland moved to lay the report on the table ;

Lost.

The report was concurred in.

Mr. Robinson of Baldwin, from the same committee, report-

ed adversely to the bill for the relief of Jesse C. Montgomery, jailor of St. Clair county ;

For the relief of Levi Hinds, late tax assessor of Madison county ;

For the relief of R. T. Harper, census taker for the county of Dallas ;

For the relief of D. L. Stovall and John Brown of Walker county ;

The reports were severally concurred in ;

Also, adversely to the bill—

For the relief of Lindsay McBee, sheriff of Randolph county ;

Mr. Connelly moved to lay the report on the table ;

Which was lost ;

The report was then concurred in ;

Also, adversely to the bill—

For the relief of H. H. Wise, circuit clerk of Randolph county ;

The report was concurred in ;

Mr. Robinson of Baldwin, from the same committee, submitted the following report :

Your Committee on Accounts and Claims, to whom was referred a resolution instructing them to enquire and report by what authority officers of this House draw *per diem*, during recess, have had the same under consideration, and instruct me to report—

That they can find no authority except a resolution, (adopted last session of the General Assembly,) to grant *per diem* during recess, and respectfully ask to be discharged from the further consideration of the resolution ;

The report was adopted,

And the committee discharged.

Mr. Robinson also reported adversely to the bills—

For the relief of Wm. R. Long, of Franklin county ;

For the relief of Thos. C. Barclay, late clerk of the circuit court of Marshall county ;

For the relief of Joseph L. Clifton and James H. Moore ;

For the relief of A. J. Hamilton, sheriff of Marion county ;

For the relief of Thomas B. Jones, former jailor of Macon county ;

The report was severally read and concurred in :

Also, favorably, with the following amendment, to the bill—

For the relief of St. Clair county ;

Amend by striking out the 2d section of the bill ;

The amendment was adopted ;

And the bill ordered to be engrossed for a third reading on to-morrow ;

Also, favorably to the bill—

For the relief of Thomas M. Phillips, tax collector of Lauderdale county ;

On motion of Mr. Manasco, the report was laid on the table.

On motion of Mr. Pierce, the vote was reconsidered, ordering to a third reading the bill—

For the relief of Samuel Henly of Cherokee county ;

On motion of Mr. Pierce, the vote was reconsidered, ordering to a third reading the bill for the relief of W. B. Sams.

Mr. Pierce moved to reconsider the vote on the passage of the bill to relieve John Callahan, of Montgomery county ;

Which was lost.

On motion of Mr. Whitfield, the Senate bill—

To establish a system of internal improvement in the State of Alabama—

Was taken up and referred to the Committee on Internal Improvements.

On motion of Mr. Tompkins,

The House then adjourned until 9½ o'clock. a. m. Monday morning.

MONDAY, February 4.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Barron.

The journal of the 2d inst. was read and approved.

Leave of absence was granted Messrs. Meadors, Sturdivant and Doster.

On motion of Mr. Gibson, the call of the counties was suspended, to take up the Senate bill—

To form a new county from a portion of Franklin, to be called Dixie ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Upon the call of the counties, the following bills were introduced :

Mr. Potter, a bill in relation to beat officers in this State ,

Which was read twice, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Also, a bill to amend and revise the Coosa and Chattooga River Railroad Company ;

Which was read twice under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Borden, a bill to secure to the State of Alabama the benefits of an act of Congress donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts ;

Mr. Morse, a bill to consolidate the office of sheriff and tax collector of Choctaw county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Morse, a bill to amend section 1644 of the Code of Alabama ;

Mr. Savage, a bill to authorize the Governor of the State to institute suit in certain cases ;

Mr. Moore, a bill to protect laborers ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Moore, a bill for the relief of Charles Ward, of Coffee county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Moore, a bill for the relief of William D. Monroe, late tax assessor of Coffee county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Moore, a bill to authorize the Secretary of State to issue a land patent to Alvin Ryland, of Coffee county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Education.

Mr. Morse, a memorial to the Congress of the United States, in relation to the removing obstructions in Pea and Choctaw-hatchie rivers ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Federal Relations.

Mr. McCain, a bill to provide for the election of the county treasurer of Elmore county by the people of said county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McCain, a bill to authorize Reuben F. Nix to establish a ferry across Tallapoosa river ;

Mr. Goodwin, a bill to incorporate the Grand Falls Manufacturing company ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. McCain, a bill to authorize Reuben F. Nix to erect gates across a road therein named ;

Which was read twice, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Warren of DeKalb, a bill to alter and establish the line between the counties of DeKalb and Jackson, on the Sand Mountain ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Lawrence of Fayette, a bill to incorporate the Memphis and Elyton Railroad company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Goodwin, a bill in relation to suits against joint obligors ;
Also, to enable suits against the guardians of certain wards to be served against their representatives ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Walker, a bill to authorize A. S. Nelson, guardian of Carrie N. Goree, to make such contracts as may be necessary to secure the cultivation of his ward's estate ;

Which was read the first and second times, under a suspension of the constitutional rule, and passed.

Mr. Walker, a bill to establish a medical board in the county of Hale ;

Mr. Frazer, a bill to incorporate the town of Auburn ;

Mr. Ferguson, a bill to incorporate the Tuskegee Hook and Ladder Company ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. McAlexander, a bill to regulate the fees of civil officers in the counties of Lauderdale and Lawrence ;

Mr. Humphrey, a bill regulating proceedings in the probate court of Madison county ;

Mr. Frazer, a bill to authorize the removal of the adminis-

istration of the estate of John S. F. Freeman from the county of Russell to the county of Lee ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Warren of Lawrence, a bill to encourage the distribution of religious books and tracts ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Goodwin gave notice that he would move to reconsider the vote concurring in the adverse report of the Committee on Accounts and Claims, to the bill for the relief of S. D. Hudson, sheriff of Lauderdale county.

Mr. Caffey gave notice that he would move a reconsideration of the vote concurring in the adverse report of the Committee on Accounts and Claims, to the bill for the relief of Littlefield Steadman and Wm. Wakefield, of Walker county.

Mr. Ferguson, a bill to declare Emma E. Frazer, a married woman, a free dealer ;

Which was read twice, under a suspension of the constitutional rule.

On motion of Mr. Ferguson, the bill was amended, by adding after the words, "W. G. Frazer," the name of Mary Jane Johnston, wife of John G. Johnston, of Montgomery county, and Priscilla H. Flournoy, wife of Thomas F. Flournoy, of — county.

The bill, as amended, was referred to the Committee on Local Legislation.

Mr. Ferguson, a bill to declare M. D. Chesson, a married woman, a free dealer ;

Mr. McKinstry, a bill to authorize the Southern and Western Fire, Marine and Accident Insurance Company, at New Orleans, to establish branches in the State of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Woolf, a bill to incorporate the Marengo County Manufacturing Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Woolf, a bill giving the right of appeal in cases pending before judges of probate ;

Mr. McKinstry, a bill to provide a special Supreme Court in certain cases ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Sheffield, a bill to incorporate the Decatur and Guntersville Railroad Company ;

Mr. Tompkins, a bill to amend the charter of the Factors' and Grocers' Marine and Fire Insurance Company, approved Dec. 4, 1863 ;

Also, a bill to amend the charter of the Commercial Savings Company, of Mobile, approved Feb. 23, 1866 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, a bill to amend the charter of the Mobile Exchange and General Insurance Company ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Bethea, a bill to authorize Jane S. Ware, administratrix of James A. Ware, deceased, of Montgomery county, to sell personal property and rent real estate at private sale ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Bethea, a bill to authorize plaintiffs to give time to defendants ;

Mr. Menefee, a bill for the relief of debtors and creditors ;

Which were read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Caffey, a bill to compensate A. H. Johnson, sheriff of Montgomery county ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Lanier, a bill and memorial to organize a State Immigrant Aid Society ;

Which was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Lanier, was referred to a select committee of seven ;

Messrs. Lanier, Doster, Leeper, Grant, Raisler, Gibson and Woolf are the committee.

Mr. Goldthwaite, a bill to establish a county court for Pike county, and to repeal section 387 of the Penal Code so far as the same applies to Pike county.

Mr. Williams of Randolph, a bill to authorize the legal representatives of Wm. B. Watt, late of Randolph county, deceased, to compromise with the late guardian of said decedent.

Mr. Owens, a bill to require new counties to be furnished with acts and supreme court reports ;

Mr. Leeper, a bill to prohibit the sale of spirituous liquors within five miles of Cahaba Coal Mines, in Shelby county, Alabama ;

Mr. Hare, a bill for the relief of Jerome C. Thompson ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Williams of Randolph, a bill to allow Bersheba Taylor to keep and hold the estate of her late husband free from administration ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Hare, a bill in relation to fences, the protection of crops and other property in Sumter county ;

Which was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Lanier, the bill was amended by adding the county of Pickens ;

The bill, as amended, was referred to the Committee on Local Legislation.

Mr. McCann, a bill to change the county line between Tallapoosa and Chambers, and Chambers and Randolph, and Randolph and Clay ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

Mr. Plowman, a bill to change the boundary line of Tallapoosa and Talladega counties ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Yeas, 78 ; nays, 0.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Craig, Culver, Davis of Bibb, Dobson, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Richardson, Robinson of Baldwin, Savage, Seawell, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Walker, Waller,

Warren of Lawrence, Whitfield, Williams of Randolph, Wilhite, Woolf, Worthy and Younge—78.

NAYS—0.

Mr. Thrasher, a bill to increase the pay of the commissioners of the county of Tallapoosa ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also, a bill to legalize the marriage between Alex. C. Caster and Bernetta H. Pulliam, of the county of Tallapoosa ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation. .

Message from His Excellency, the Governor : .

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House :

To amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved January 2, 1833 ; .

To declare Josiah A. Harris, a liner between the counties of Chambers and Lee, a citizen of Lee county, and to change the line between said counties ;

To authorize the court of county commissioners of Clarke county to borrow money ;

To provide for the proper representation of certain products of the State of Alabama in the Paris Universal Exposition ;

To remove the administration of the estate of James Albright from Montgomery to Shelby county ;

To empower the court of county commissioners of Choctaw county to furnish blanks for certain public officers, and to purchase furniture for the public officers of said county ;

To declare Francis M. Boswell, a liner between the counties of Pike and Bullock, a citizen of Pike county, and to change the line between the said counties ;

To authorize Sarah L. Watson, administratrix of the estate of Hugh P. Watson, deceased, to dispose of the property of said estate at private sale ;

To authorize the administrator of the estate of Harrell Hobdy, deceased, late of Pike county, to dispose of the real estate of said deceased at private sale ;

For the relief of Charles R. Williams, of Wilcox county ;

To authorize John P. Shaffer, county superintendent of Talladega county, to reside in Clay county ;

To allow the commissioners court of the county of Tallapoosa to levy a tax greater than fifty per cent. ;

To authorize the court of county commissioners of Barbour county to issue treasury notes to pay for the building of bridges, and other county purposes ;

To repeal an act entitled an act to repeal section 2447 of the Code, so far as it applies to Blount and Marshall, and other counties therein named, approved Nov. 4, 1861, so far as it applies to the county of Henry ;

To authorize the courts of county commissioners in this State to make equitable settlements in certain cases ;

Prescribing the mode of giving notice of motion to enter satisfaction of judgments, or to set aside such entries when any of the parties are non-residents ;

For the relief of James Hill, jr., administrator of Robert Hill, deceased ;

To incorporate the Noxubee Bridge Company ;

To amend an act entitled an act to incorporate the Mobile Mutual Insurance Company ;

To incorporate the Alabama Board of Trustees, auxiliary to the American Printing House for the Blind and American University for the Blind, and other purposes :

To incorporate Westville Male and Female Academy, in Dale county ;

To authorize F. W. Kirksey of Greene county, to erect two gates across a public road in said county ;

To form a new county out of portions of Marion and Fayette, to be called the county of Jones ;

To change the boundary lines between the counties of Marion and Fayette ;

To compensate constables in the county of Walker.

SAMUEL H. DIXON, Private Secretary.

Message from the Senate :

Mr. Speaker :

The Senate has originated the following bills :

To compensate M. P. Blue for a certain map ;

To change the county line between the counties of Clay and Talladega ;

To change the line between Clay and Clbourne counties, and to add certain sections of land therein named to Clbourne county ;

To amend an act entitled an act to incorporate the town of Livingston, in Sumter county ;

To regulate the pay of county commissioners in the county of Bullock ;

To add a portion of the county of Cleburne to the county of Talladega.

The Senate has adopted the following resolution :

Resolved, (the House of Representatives concurring,) The two Houses of the General Assembly will adjourn *sine die* on Thursday, 14th of February, 1867.

M. TAUL, Secretary.

Mr. Lindsey, a bill to grant pensions to maimed soldiers of the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

Mr. Lindsey, a bill to make property subject for the purchase money ;

Mr. Whitfield, a bill to authorize the reconstruction of causes in the supreme court ;

Mr. Connelly, a bill to authorize the tax collector of Randolph county to appoint deputies in certain cases ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. McLester, a bill for the relief of Mary J. Jones, of Tuscaloosa county ;

Which was read the first, second and third times, under the suspension of the constitutional rule, and passed.

Mr. Whitfield, a bill for the relief of Joel White ;

Which was read twice, under the suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

Mr. Whitfield, a bill to extend the time for returns and settlements of tax collectors ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hawthorne, a bill to incorporate the town of Allenton, in the county of Wilcox ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Manasco offered the following resolution,

Which was adopted :

Resolved, That the Judiciary Committee be instructed to

inquire into and report on the question, whether the State is liable to pay the costs of officers in those cases where the parties were released under proclamation of the Governor, pardoning before conviction, and report by bill or otherwise.

Mr. Worthy, by leave, recorded his vote in the negative on the bill—

To amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company ;

And submitted the following protest, which was ordered to be spread upon the journals :

Mr. Speaker :

Unavoidably absent from my seat at the passage of the bill entitled an act to amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, I was prevented from recording my vote against the same. I, therefore, beg leave to do so at this time, and to place upon the records of this House my reasons for so doing :

1. By the original bill the company were required to complete said road in six years. By the amended bill, there is no definite time for its *commencement* or *completion* ; it may or may not be built at all, and there is no *forfeiture* ; but should said road be commenced and not completed, the company forfeits nothing of the work which *may* be done, or which may be in a state of completion, but that only which costs them nothing.

2. By the bill and its amendments now passed and become a part of the law, securing to said railroad company extraordinary *franchises* and *privileges*, they have the right of running *Branch* Railroads in any and every direction, regardless of the interests of the State of Alabama, or the wishes of any of its citizens ; thereby building up and incorporating a stupendous mammoth railroad monopoly which must and will swallow up every other railroad interest in the State.

3. That said corporation is composed chiefly, if not entirely, of northern men, from a section of the United States evincing the most implacable hostility to Alabama and her true interests. Some of these corporators are distinguished public functionaries, whose avowed aim is to reduce the social and political system of Alabama to a level with free negroes. They call us *rebels*, they seek to degrade us, therefore they appropriate, by means of this bill and its amendments, the entire interest of railroads within the State for that purpose.

4. To the end that they shall control the destinies of the State of Alabama, not only in her social and political relations, but in all respects, said corporators are appropriating the bonds of the State, and becoming its creditors, (and by this studied system of *financiering*, with no restrictions to its capital stock, which may be increased, *ad libitum*, to hundreds of millions,) said company will become the sole creditor of the State; her very large indebtedness will be held over her defenseless head *in terrorem*. By means of their acquired monied power, these northern corporators will build up or pull down, make and unmake your governors, senators, and other public functionaries—in a word, the future destinies of the State are, by said bill and amendments, turned over into the hands of a grand monied machine, whose boast is that they have in cash twenty-five millions to commence operations with; and by said bill and amendments all future Legislatures are denied the right to abridge, restrict, meddle or interfere in any manner with said incorporation in her work of subjugation of our once fair State, more completely, and in a more degrading manner, than by the bayonets of the army of the United States.

5. No part of said railroad, its branches or appendages, shall be subject to taxation until a dividend shall be declared. It is clear that no dividend will be declared until the company shall complete their last proposed branch road—which will necessarily be a great number of years, until it shall have completed its mammoth growth.

Mr. Palmer moved to take up the Senate resolution, setting the 14th inst. as the day that the General Assembly would adjourn;

Which was lost.

The special order, being the bill to establish revenue laws of the State of Alabama;

Which was taken up.

Mr. Oliver moved to amend by striking out “soldiers” where it occurs in chapter 1, section 5, eleventh line, and inserting the word “persons.”

Adopted.

Mr. Connelly offered the following amendment:

Amend by striking out all of paragraph 1, section 2, of chapter 2, and inserting the following paragraph: “On every male inhabitant between the ages of twenty-one and fifty, the sum of one dollar, and to insure the payment of such tax, it shall be the duty of all partnerships, corporations, officers or individuals, to return to the assessor the number and names of

persons in their employment on the 1st day of each year, as clerks, book keepers, overseers, deputies, agents, workmen, journeymen, or laborers, subject to such tax; which tax the assessor shall assess against such employers, by them to be deducted out of the hire, wages or salaries of such employees as fees before enumerated;

Pending the consideration of which,

The House adjourned until 3½ o'clock p. m.

AFTERNOON SESSION, 3½ P. M.

The House met pursuant to adjournment.

On motion by Mr. Worthy, the orders of the day were suspended to proceed with the consideration of the bill to establish revenue laws of the State of Alabama;

The question being, on the adoption of the amendment offered by Mr. Connelly;

Was lost.

Yeas 33, nays 47.

YEAS—Messrs. Speaker, Ash, Borden, Brandon, Connelly, Cotten, Dobson, Gibson, Goodwin, Lawrence of Fayette, Leeper, Lindsey, Malone, Malloy, McBee, McCoy of Tallapoosa, McKinstry, Morse, Palmer, Padgett, Plowman, Potter, Richardson, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Vansandt, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph and Wilhite—33.

NAYS—Messrs. Bethea, Bourland, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Davis of Barbour, Davis of Bibb, Echols, Edwards, Ellis, Faulk, Frazer, Goldthwaite, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Ledbetter, Mabry, McAlexander, McCain, McCann, McLester, McMillan, Moore, Odum, Owens, Pierce, Pipkin, Raisler, Robinson of Baldwin, Savage, Seawell, Tompkins, Walker, Waller, Warren of Lawrence, Whitfield, Woolf, Worthy and Younge—47.

Mr. Clarke of Mobile, offered the following amendment,
Which was adopted:

Add at the end of paragraph 1, section 2, chapter 2, as follows, "and upon the failure of any employer to make return of such employees when called upon by the assessor to do so, the assessor shall proceed to ascertain the number of such employees from the best sources of information practicable, and such employer, so failing, shall be held liable in double the amount of the tax."

Mr. Bourland offered the following amendment,
Which was adopted:

Add at the end of 4th line, of section 1, chapter 1, "all regularly ordained ministers of the gospel in charge of established churches, who have no other profession, office or employment."

Message from the Senate by Mr. Garrett.

Mr. Speaker :

The Senate has originated and passed a bill authorizing the Comptroller of Public Accounts to employ counsel to prosecute before the supreme court a cause therein named.

M. TAUL, Secretary.

Mr. Gibson offered the following amendment: Insert immediately before the 3d clause of 3d section, of chapter 1, the following: "On the gross amount of all sales of goods, wares and merchandise sold by retail during the preceding year, including the amount of merchandise used in payment of labor upon plantations ;"

Pending the consideration of which.

On motion of Mr. Savage ;

The House then adjourned until 9½ o'clock to-morrow morning.

TUESDAY, February 5.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday read and approved.

Mr. Goodwin, by leave, from the Committee on Propositions and Grievances, reported favorably to the Senate bill, for the relief of Rodolph Hottinguer ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Bethea, the engrossed bill to re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery ;

Was taken up and read the third time, and passed.

On motion of Mr. Savage, the report of the joint select committee appointed to examine Comptroller's and Treasurer's reports ;

Was taken up and made the special order for Thursday next, at the hour of 12 M.

Bills were introduced—

Mr. Morse, by leave, a bill to amend section 162 of the Penal Code ;

Also, a bill to amend section 480 of the Penal Code of Alabama ;

Which were severally read the first and second times, under the suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Morse, by leave, a bill to increase the fees of public officers of the county of Choctaw ;

Which was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Richardson, the bill was amended by adding the county of Limestone ;

The bill as amended, was read the third time, under a further suspension of the constitutional rule, and passed.

Mr. Steadham, by leave, offered the following resolution :

That the select committee on retrenchments, be, and they are hereby specially instructed to enquire into the expediency of passing an act prohibiting members of the General Assembly from receiving their *per diem* for any period of time when absent from their State, except on account of sickness, and that said committee be directed to report as early as practicable, by bill or otherwise.

Mr. Clarke of Mobile, moved to amend by adding, "also to inquire into the expediency of reducing the number of members of the General Assembly to seventy-five in the House and twenty-five in the Senate, as authorized by the constitution ;

Which was adopted ;

The resolution as amended; was then adopted.

Mr. McCoy of Russell, by leave, a bill to organize the 2d judicial circuit of the State of Alabama, and to alter and define the times of holding the several courts composing the same ;

Which was read twice, under a suspension of the constitutional rule, and referred to a select Committee on Judicial Circuits ;

Also, a bill to regulate the fees of officers in the county of Russell ;

Which was read the first and second times, under a suspension of the constitutional rule, and

On motion of Mr. Pipkin, was amended by adding the county of Bullock ;

The bill, as amended, was read a third time, under a further suspension of the constitutional rule, and passed.

The engrossed bill, authorizing courts of chancery and of probate to make equitable settlements with guardians ;

Was read the third time and passed.

On motion of Mr. Worthy, the consideration of the bill to establish revenue laws of the State of Alabama, was resumed :

The question pending, being on the adoption of the amendment offered by Mr. Gibson ;

On motion by Mr. Ferguson, the House resolved itself into a committee of the whole, and after spending sometime therein,

On motion by Mr. Grant, the committee arose and made report of progress ;

Mr. Potter offered the following amendment :

Strike out 3rd division of paragraph 3, of section 2, chapter 2, with the view of inserting the following, to wit : "On the gross amount of sales of all goods, wares and merchandise sold during the preceding tax year."

A division, of the question being called for, the vote being first taken on striking out, it was lost.

Yeas 24 ; nays 62.

YEAS—Messrs. Speaker, Brandon, Callaway, Connelly, Crenshaw, Davis of Bibb, Dobson, Gafford, Gibson, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Malloy, Manasco, McBee, Morse, Odum, Palmer, Padgett, Potter, Raisler, Richardson, Steadham, Thorn, and Wilhite—24.

NAYS—Messrs. Bethea, Borden, Bourland, Caffey, Chapman, Clark of Lawrence, Clark of Mobile, Cotten, Craig, Culver, Davis of Barbour, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Goldthwaite, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Ledbetter, Leeper, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Oliver, Owens, Pierce, Pipkin, Plowman, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Jackson, Thrasher, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Woolf, Worthy, and Younge—62.

Mr. Brandon moved to amend by striking out paragraph 11, in section 2, of chapter 2 ;

Which was adopted.

Yeas 51 ; nays 37.

YEAS—Messrs. Speaker, Bourland, Brandon, Callaway, Chapman, Connelly, Cotten, Davis of Barbour, Davis of Bibb, Dobson, Ellis, Frazer, Goldthwaite, Hand, Humphrey, Lawrence of Fayette, Ledbetter, Lindsey, Malone, Malloy,

Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Potter, Richardson, Robinson of Chambers, Savage, Sheffield, Smith of Jackson, Steadham, Thrasher, Thorn, Vansandt, Walker. Warren of DeKalb, Williams of Jackson, Wilhite, and Worthy—51.

NAYS—Messrs. Bethea, Borden, Caffey, Clark of Lawrence, Clark of Mobile, Craig, Crenshaw, Culver, Echols, Edwards, Faulk, Ferguson, Gafford, Grant, Hardie, Hare, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Leeper, Mabry, McKinstry, McLester, McMillan, Pierce, Plowman, Raisler, Robinson of Baldwin, Seawell, Waller, Warren of Lawrence, Whitfield, Williams of Randolph, Woolf, and Younge—37.

Mr. Thrasher moved to amend by striking out the word “use” where it occurs in the 8th clause of paragraph 3, section 2 of chapter 2, and inserting the word “sale” before the word kept, where it occurs in the same clause, so as to read “on all clocks not kept for sale;”

Which was lost.

Mr. Morse moved to amend by inserting after the word “use” the word “fifty cents;”

Which was lost.

Mr. Morse moved to amend by adding at the end of the second line the words “except poultry not kept for sale, and implements of husbandry to the value of \$500;”

Mr. Worthy offered the following amendment as a substitute for the amendment :

Amend by adding: “*Provided*, That all the stock hogs, sheep, goats, poultry, and implements of husbandry, shall not be taxed by this bill” ;

Adopted.

Mr. Pipkin offered the following as a substitute for Mr. Worthy’s amendment :

Provided, That no hogs, goats or poultry, kept or raised for the use of any family, and no farming tools and implements of husbandry necessary on the farm, shall be taxed by this bill” ;

Adopted. Yeas 50 ; nays 23.

YEAS—Messrs. Speaker, Ash, Bethea, Bourland, Brandon, Caffey, Callaway, Clark of Lawrence, Cotten, Crenshaw, Culver, Davis of Barbour, Edwards, Ellis, Faulk, Goldthwaite, Hand, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, Malloy, Manasco, McBee, McCain, McCoy of Tallapoosa, McKinstry, McMillan, Menefee, Moore, Morse, Odum, Owens, Palmer, Padgett, Pipkin, Richardson, Robinson of Chambers, Savage, Seawell, Smith of Jackson, Steadham,

Thorn, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, and Worthy—50.

NAYS—Messrs. Connelly, Davis of Bibb, Dobson, Echols, Frazer, Gafford, Gibson, Grant, Hardie, Hare, Hawthorne, Humphrey, Lanier, Leeper, Mabry, McCann, McLester, Oliver, Tompkins, Waller, Williams of Randolph, Wilhite and Woolf—23.

Mr. Padgett moved to amend chapter 2, section 10, by striking out “two dollars” and inserting “fifty cents”, and striking out “three”, in the 5th line, and inserting “seventy-five cents”

The vote being first taken on striking out, it was lost.

Yeas 19 ; nays 61.

YEAS—Messrs. Brandon, Chapman, Clark of Lawrence, Ellis, Gibson, Ledbetter, Lindsey, Malone, McCoy of Tallapoosa, Oliver, Palmer, Padgett, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Williams of Randolph, and Wilhite—19.

NAYS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Caffey, Callaway, Clark of Mobile, Connelly, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Edwards, Faulk, Frazer, Gafford, Goldthwaite, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Mabry, Malloy, Manasco, McBee, McCain, McCoy of Russell, McKinstry, McLester, McMillan, Menefee, Moore, Morse, Odum, Owens, Pierce, Pipkin, Potter, Robinson of Baldwin, Savage, Seawell, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Woolf, Worthy and Younge—61.

The vote was then taken on inserting “fifty” or “seventy-five” cents;

Which was also lost.

Message from the Senate by Mr. Garrett :

Mr. Speaker :

The Senate has originated and passed the following bills :

To incorporate the Montgomery Mutual Building and Loan Association ;

To incorporate the Pioneer Fire Company of Greenville ;

To incorporate the Montgomery Chamber of Commerce ;

To amend an act to incorporate the Wilcox Monumental Association ;

To incorporate the Notasulga Manufacturing Company ;

To incorporate the city of Eufaula ;

To relieve the tax-payers of Pickens county.

The Senate disagrees to the House amendments to the Senate bill to amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Rail Road Company, approved Nov. 24, 1866, and to add additional sections thereto.

The Senate has passed the following House bills :

To remove obstructions in Pea River, in Coffee county;

To give the commissioners court of the county of Chambers full and complete control over the funds of said county ;

To require the chancellor to hold two terms of the chancery court of Limestone ;

To authorize the court of county commissioners of Dallas county to issue bonds ;

To remove the estates of W. S. Bailey from Macon county, and Isaac Ross from Tallapoosa county, to the county of Lee ;

To authorize the commissioners court of Montgomery county to levy a special tax ;

To authorize the executor of N. P. Croom, and the administratrix of the estate of Bryan Croom, of Sumter county, to make land titles ;

To divide Coffee county into four commissioners districts ;

For the relief of Amanda B. Crumbly ;

For the relief of Mary J. Jones, of Tuscaloosa county ;

On motion of Mr. Echols, the House adjourned.

AFTERNOON SESSION, 3½ o'clock.

The House met pursuant to adjournment.

Mr. Mabry, by leave, offered the following resolution, which was adopted :

Resolved, That the Committee on Ways and Means be instructed to examine the assessments and returns of the several counties of this State, for the present fiscal year, and report as early as practicable, by bill or otherwise.

Mr. Goodwin moved to suspend the orders of the day to take up the Senate resolution providing that the General Assembly adjourn *sine die* on the 11th instant ;

Which was lost.

The reconsideration of the bill to establish revenue laws of the State of Alabama, was resumed ;

Mr. Morse moved the following amendment, which was adopted :

Amend paragraph 14, page 10, by adding, after the word "towns," in the second line, the words, "and acts incorporating manufacturing companies ;"

Mr. Savage moved to amend chapter 3, section 4, paragraph 2, by adding, after the word "judge," in the third line, the words, "or any justice of the peace:"

Which was adopted.

Mr. Clark of Mobile moved to amend by striking out "twenty-four hours," in paragraph 6, section 4, chapter 3;

Which was adopted.

Mr. Lanier moved to amend paragraph 5, section 4, chapter 3, by striking out "\$10," and inserting "\$25 ;"

Which was adopted.

Mr. Vansandt moved to amend by striking out "\$20," and inserting "\$50," in chapter 3, section 4, paragraph 6;

A division of the question being called for, the vote being taken first on striking out, it was adopted.

Yeas 41, nays 40.

YEAS—Messrs. Speaker, Borden, Brandon, Chapman, Clark of Lawrence, Connelly, Cotten, Davis of Bibb, Dobson, Edwards, Ferguson, Gibson, Hand, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Malloy, Manasco, McCain, McCoy of Russell, McCoy of Tallapoosa, Moore, Morse, Palmer, Padgett, Potter, Robinson of Chambers, Savage, Seawell, Steadham, Thrasher, Thorn, Vansandt, Walker, Warren of DeKalb, Williams of Jackson, and Wilhite—41.

NAYS—Messrs. Ash, Bethea, Bourland, Caffey, Clark of Mobile, Craig, Culver, Davis of Barbour, Echols, Ellis, Faulk, Frazer, Goodwin, Grant, Hardie, Hare, Hawthorne, Humphrey, Mabry, Malone, McAlexander, McBee, McKinstry, McLester, McMillan, Oliver, Owens, Pierce, Pipkin, Plowman, Raisler, Robinson of Baldwin, Sheffield, Smith of Jackson, Tompkins, Whitfield, Williams of Randolph, Woolf, and Younge—40.

The vote was then taken up on inserting "fifty ;"

Which was lost.

Mr. Morse moved to amend by inserting "forty-five ;"

Which was lost.

Mr. Morse moved to amend by inserting "forty ;"

Which was lost.

Mr. Morse moved to amend by inserting "thirty-five ;"

Which was adopted.

Mr. Morse moved to strike out paragraph 7, section 4, chapter 3;

Mr. Ferguson moved to strike out "\$500," where it occurs in paragraph 7, section 4, chapter 3, and insert "\$50 ;"

Pending the consideration of which,

Message from the Governor.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in the House :

To amend an act entitled an act to incorporate the Cahaba Insurance company ;

To incorporate the State Insurance company of Mobile.

On motion of Mr. Vansandt,

The House adjourned until half past nine o'clock to-morrow morning.

WEDNESDAY, February 6.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Petrie.

Journal of yesterday read and approved.

Mr. Gibson, by leave, offered the following resolution,

Which was adopted :

Resolved, That the use of the Hall of the House of Representatives be and is hereby tendered to the Rev. J. C. Hand, member from Shelby, for divine service on Sunday next, at 11 o'clock, a. m.

Mr. Robinson of Chambers, by leave, a bill for the relief of John D. Leverett, of Chambers county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Seawell, by leave, introduced a bill to amend sections 2120 and 2122 of the Code of Alabama ;

Which was read the 1st and 2d times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Morse, by leave, a bill —

To renew the charter of the Southwestern Railroad Company, granted in 1857-'8, to extend their road across the State of Alabama, from Franklin on the Chattahoochee River to Mobile ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Leave of absence was granted Mr. Goldthwaite.

Mr. Robinson of Chambers, gave notice that he would move a reconsideration of the vote adopting the amendment offered

by Mr. Pipkin, on yesterday, exempting from taxation sheep, hogs, goats, poultry and farming implements.

The House then resumed the consideration of the bill—

To establish revenue laws for the State of Alabama;

The question being on the adoption of the amendment offered by Mr. Ferguson,

A division of the question being called for,

The vote being first taken on striking out \$500,

It was adopted.

Yeas 49, nays 32.

YEAS—Messrs. Speaker, Ash, Bourland, Brandon, Brooks, Callaway, Chapman, Clark of Lawrence, Davis of Barbour, Dobson, Edwards, Faulk, Ferguson, Gafford, Gibson, Goodwin, Grant, Hand, Hardie, Hare, Humphrey, Lanier, Leeper, Lindsey, Malone, Malloy, Manasco, McCoy of Tallapoosa, McKinstry, Morse, Oliver, Owens, Plowman, Richardson, Robinson of Baldwin, Savage, Seawell, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins, Vansandt, Walker, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Younge—49.

NAYS—Messrs. Bethea, Caffey, Clark of Mobile, Craig, Crenshaw, Culver, Davis of Bibb, Echols, Ellis, Frazer, Henry, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Menefee, Moore, Padgett, Pierce, Potter, Raisler, Robinson of Chambers, Sheffield, Waller, Woolf and Worthy—32.

The vote was then taken on inserting \$50;

Which was lost; yeas 40, nays 40.

YEAS—Messrs. Brandon, Brooks, Caffey, Callaway, Craig, Crenshaw, Culver, Davis of Bibb, Faulk, Frazer, Ferguson, Gafford, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, Mabry, Manasco, McBee, McCann, McCoy of R., McLester, McMillan, Morse, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Chambers, Savage, Sheffield, Steadham, Thorn, Whitfield, Worthy and Younge—40.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Chapman, Clark of Lawrence, Connelly, Davis of Barbour, Dobson, Edwards, Gibson, Goodwin, Hand, Hare, Humphrey, Lindsey, Malone, Malloy, McCoy of Tallapoosa, McKinstry, Menefee, Moore, Oliver, Owens, Palmer, Plowman, Richardson, Robinson of Baldwin, Seawell, Smith of Jackson, Thrasher, Tompkins, Vansandt, Walker, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite and Woolf—40.

Mr. Grant moved to amend by striking out paragraph "7," section 4, of chapter 3d ;

Which was lost.

Yeas 40, nays 45.

YEAS—Messrs. Speaker, Ash, Ashford, Borden, Bourland, Brandon, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Davis of Barbour, Dobson, Edwards, Gafford, Gibson, Goodwin, Grant, Hand, Hare, Humphrey, Lindsey, Malone, Malloy, McCoy of Tallapoosa, McKinstry, Moore, Owens, Plowman, Richardson, Savage, Smith of Jackson, Thrasher, Tompkins, Vansandt, Walker, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, and Wilhite—40.

NAYS—Messrs. Bethea, Brooks, Caffey, Callaway, Craig, Crenshaw, Culver, Davis of Bibb, Echols, Ellis, Faulk, Frazer, Ferguson, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Menefee, Morse, Padgett, Pierce, Pipkin, Potter, Raisier, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Steadham, Thorn, Waller, Woolf, Worthy and Younge—45.

Mr. Brooks moved to reconsider the vote by which the amendment to strike out "\$500" was adopted ;

Which was lost.

Mr. Pierce moved to fill the blank in paragraph "7," section 4, of chapter 3, by inserting "25";

Which was adopted ;

Yeas 44, nays 37.

YEAS—Messrs. Brandon, Brooks, Callaway, Crenshaw, Culver, Davis of Bibb, Ellis, Frazer, Ferguson, Gafford, Gibson, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Menefee, Morse, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Robinson of Baldwin, Savage, Sheffield, Steadham, Thorn, Whitfield, Worthy and Younge—44.

NAYS—Messrs. Speaker, Ash, Borden, Bourland, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Dobson, Echols, Edwards, Faulk, Goodwin, Hand, Hare, Humphrey, Lindsey, Malloy, McCoy of Tallapoosa, McKinstry, Moore, Oliver, Owens, Plowman, Richardson, Seawell, Smith of Jackson, Thrasher, Tompkins, Vansandt, Walker, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite and Woolf-- 37.

Mr. McCoy of Tallapoosa, offered the following amendment—

Provided, That the provisions of this act shall apply to all ministers of the gospel, so called, who preach for stated salaries ;

Mr. Thrasher moved to lay the amendment of Mr. McCoy of Tallapoosa, on the table.

The vote was then taken on Mr. McCoy's amendment ;
Which was also lost.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed the following bills :

To facilitate the liquidation of the Bank of Selma ;

To authorize married women to insure the lives of their husbands ;

To authorize the administrator of the estate of the late Charles H. Patton, of Madison county, to invest certain interests of his intestate, in the capital stock of the factory, an incorporated company ;

Authorizing the administrators of the late Charles H. Patton, of the county of Madison, and State of Alabama, to invest certain moneys belonging to said estate, in bonds or stocks ;

To repeal an act entitled an act concerning vagrants and vagrancy ;

To incorporate the Stafford Mills ;

To authorize the commissioners court of the county of Morgan, to levy an additional tax for county purposes ;

To incorporate the Pensacola Railroad Contracting Company ;

To fix the prices to be paid for the public printing.

The Senate has passed the following House bills :

To regulate the powers of the probate courts of this State, in reference to the sale of lands ;

To incorporate the Montgomery and Pickett Springs Gravel Road Company.

M. TAUE, Secretary.

Mr. Pierce moved to amend by striking out the words in chapter 3, section 9, paragraph 13. Adopted.

Mr. Robinson of Chambers, moved to strike out all of paragraph 1, section 5, of chapter 3, and inserting in lieu thereof the following :

1. "To retail for one year, spirituous or vinous liquors on any steamboat or water-craft, one hundred dollars ; in a city or town having more than one thousand and less than five thousand inhabitants, one hundred dollars ; in a city or town having more than five thousand inhabitants, one hundred and fifty dollars ; in a city, town or village having more than five hundred and less than one thousand inhabitants, seventy-five dollars ; in villages having less than five hundred inhabitants, and in the country, fifty dollars ; *Provided*, That any person, not a regular merchant or distiller, who shall sell or dispose of spirituous liquors in any quantity to consumers, must first take out the retail license required by this paragraph ; *Provided*, That any person who shall sell or dispose of spirituous liquors in any quantity less than one quart, must first take out the retail license required by this paragraph.

Mr. Morse moved to amend the amendment by adding the following, "*Provided*, That they reduce the price of drinks ;"

Lost.

Mr. Woolf offered the following amendment to Mr. Robinson's amendment : "Strike out one hundred dollars for license to retail on steamboats or other water-crafts," and insert in lieu thereof "one hundred and seventy-five dollars."

The amendment of Mr. Robinson of Chambers, as amended, was then adopted.

Mr. Richardson moved to amend part 2d, of section 5th. of chapter 3d, by adding the proviso, "*Provided*, That this paragraph shall be so construed as to apply to all persons who sell at public outcry."

Mr. Pierce offered the following amendment by way of a substitute for Mr. Richardson's amendment : "Every person who sells at public outcry shall be deemed an auctioneer in the meaning of the section, except those who sell under judicial or trustee sale." Lost.

Mr. Hawthorne offered the following amendment by way of substitute to Mr. Richardson's amendment : "*Provided*, That this paragraph shall not apply to those who do not auctioneer for pay." Adopted.

Mr. Thrasher moved to amend part 2d, section 5, of chapter 3, by adding the words "in any county not having a city \$15, and in any one beat, \$5." Lost.

Mr. Bourland offered the following amendment,

Which was lost : "Add at the end of the last line of paragraph 2, and section 5, chapter 3, the following proviso :

"*Provided*, That when the business of the county will not justify more than one licensed auctioneer, and the territory of

such county is so large as to render it inconvenient or impracticable for one auctioneer to attend to such business, it shall be lawful for such licensed auctioneer to employ a deputy, whose sales shall be taxed as the sales of the principal or licensed auctioneer." Lost.

Mr. Doster moved to amend clause 3, section 5, page 14, by striking out "fifteen," where it occurs in the third line, and inserting "ten," and by striking out "fifty," in the eighth line, and inserting "twenty," and by striking out "one hundred," in the seventh line, and inserting "fifty," and by striking out "two," where it occurs in the eleventh line, and inserting "one" in lieu thereof;

Which was lost.

Mr. Palmer moved to amend section 5, paragraph 4, by striking out the word "seventy-five," and inserting in lieu thereof the word "twenty-five ;"

Mr. Clark of Lawrence, offered the following amendment, by way of substitute for Mr. Palmer's amendment :

Strike out "seventy-five," and insert "twenty-five ;" and after the word "dollars," in the last line, "*Provided*, That no dentist shall be considered 'transient,' who produces the receipt of the probate judge of any county in the State, for the taxes of the current year;"

Which was lost.

The vote being taken on Mr. Palmer's amendment, it was lost.

Mr. Vansandt moved to amend paragraph 4, section 5, chapter 3, by striking out "twenty-five," in the third line, and inserting "fifteen," and by striking out "fifty," in the fifth line, and inserting "twenty-five," and by striking out "seventy-five," in the seventh line, and inserting "forty," and by striking out "one hundred," in the ninth line, and inserting "fifty" in lieu thereof;

Which was lost.

Mr. Caffey moved to amend the 6th clause of section 5, page 15, by striking out "five," where it occurs in the second line, and inserting "two" in lieu thereof;

Which was lost.

Mr. Palmer moved to amend paragraph 12, of section 5, chapter 3, so that it shall read, in the third line, as follows: "in a wagon, for each wagon in a county, ~~fifty~~ dollars ; on a horse, for each horse in a county, twenty-five dollars ; and on foot, for each person in a county, ten dollars ;"

Which was lost.

Mr. Lawrence of Cherokee, moved to amend by striking out

the words "two hundred," and inserting "one hundred" in lieu thereof in page 12, section 5, chapter 3 ;

Which was lost.

Mr. Pierce moved to amend by striking out the words "a county" in second line, page 16, and inserting therefor the words "the State ;"

Mr. Moore, offered the following amendment by way of substitute for Mr. Pierce's amendment :

That to peddle throughout the State, treble the preceding rates, and five dollars for each county, for county purposes ;

Which was lost.

The vote being taken on the adoption of Mr. Pierce's amendment ;

It was lost.

Mr. Menefee moved to amend by adding "grown or raised" after the word "manufactured" in the seventh line, chapter, 3 section 5, paragraph 12 ;

Which was adopted.

Mr. Richardson moved to amend by striking out "fifty" where it occurs, and inserting "ten" therefor, in chapter 3, section 5, paragraph 13.

On motion, the House adjourned.

AFTERNOON SESSION, 3½ o'clock.

The House met pursuant to adjournment.

The consideration of the bill to establish revenue laws of the State of Alabama, was resumed ;

Mr. Lawrence of Fayette, moved to amend section 6, chapter 3, in the third line, by striking out "two dollars" and insert "fifty cents ;"

Mr. Pierce offered the following amendment by way of substitute for the amendment of Mr. Lawrence :

Strike out all of said section that is embraced between the word "State," in the third line in said section, and the words "a tax ;"

It was adopted.

Yeas 54 ; nays 29,

YEAS—Messrs. Speaker, Ash, Bourland, Caffey, Chapman, Clark of Lawrence, Cotten, Davis, of Bibb, Doster, Edwards, Ellis, Gibson, Goodwin, Hand, Hare, Humphrey, Ledbetter, Leeper, Lindsey, Malone, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Raisler, Richardson, Savage, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thrasher, Thorn, Tompkins,

Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Wilhite, Worthy, and Younge—54.

NAYS—Messrs. Bethea, Brooks, Callaway, Clark of Mobile, Connelly, Craig, Crenshaw, Davis of Barbour, Dobson, Echols, Faulk, Ferguson, Gafford, Hawthorne, Henry, Lawrence of Cherokee, Lawrence of Fayette, Mabry, Malloy, McCoy of Russell, McLester, McMillan, Menefee, Potter, Robinson of Baldwin, Robinson of Chambers, Seawell, Whitfield, and Woolf—29.

Mr. Clark of Mobile, moved to amend section 5, page 17, by adding the following paragraph :

18. To engage in the distillation of grain or molasses within the limits of this State, for any period not exceeding one year, one dollar upon each and every gallon of the capacity of the still employed, and any person or persons engaged in distillation as aforesaid, without first taking out license therefor, shall be guilty of a misdemeanor, and on conviction, shall be fined in a sum of not less than five hundred dollars, and for every case of conviction as aforesaid the solicitor prosecuting the same shall be entitled to a fee of twenty-five dollars ;

Which was lost.

Mr. Woolf moved to amend by striking out from “distillers”, in the first line, section 6, page 17, to the word “limits”, in the third line, section 6, page 17, inclusive, and insert “liquors distilled” ;

Adopted.

Mr. Connelly moved to amend section 6, chapter 3, by striking out “five” where it occurs in the 9th line, and inserting “ten” ;

Lost.

Mr. Vansandt moved to amend section 6, chapter 3, by adding the word “three” before the word “months”, in the 11th line ;

Lost.

Mr. Clark of Mobile moved to amend section 6, page 17, in the 22d line, after the word “State”, by adding “and any distiller in default as aforesaid, shall also be guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred dollars for every such default”.

Adopted.

Mr. Craig moved to amend by striking out section 11, on page 17 ;

Lost.

Mr. Potter moved to amend section 13, of chapter —, by

striking out the words "one gallon", and inserting in lieu thereof the words "one quart" in the gross amount.

Lost.

Mr. Clark of Mobile moved to amend chapter 6, section 19, by striking out "State" and inserting "County";

Adopted.

Mr. Pipkin moved to amend chapter 6, section 2, by adding after the word "taxed", in the — line, the words "by township, range and section, or subdivision of section."

Adopted.

Mr. Clarke of Mobile moved to amend section 296, chapter 8, by adding after the word "places," the words "fill a new appointment";

Adopted.

Mr. Clark of Mobile offered the following amendment ;

Amend section 37, par. 29, by striking out 10 per cent. penalty hereafter provided", and insert in lieu thereof "penalty under section 32";

Adopted.

Mr. Clarke of Mobile moved to amend section 42, page 31, by striking out the words "the sum of one hundred dollars". and insert in lieu thereof "such sum as the court of county commissioners may allow" ;

Adopted.

Mr. Clark of Mobile moved to amend section 44, page 32, by striking out "first of September, 1867," and inserting in lieu thereof "first of January, 1868";

Adopted.

Mr. Clark moved to amend section 67, page 39, by striking out "twelve" and inserting "thirteen";

Adopted.

Mr. Clark of Mobile moved to amend section 81, chapter 13, by adding an additional paragraph, as follows

7. For collecting and paying over the taxes, ten per cent. ; on the next five hundred dollars, five per cent. ; on the next thousand dollars, two and a half per cent. ; on the balance, two per cent. ; and he shall be authorized to retain the same rate of commissions out of any county taxes collected by him, under the provision of the 3d chapter ;

Which was adopted.

Mr. Caffey offered the following amendment

Amend section 41 by striking out the two last lines of said section, from the word "collector," and insert "the same commission in county taxes ;"

Which was adopted.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Moore,

The House adjourned until 9½ o'clock to-morrow morning.

THURSDAY, February 7.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

On motion of Mr. Smith of Jackson, the call of the counties was suspended, to take up the following Senate resolution, to-wit:

Resolved, (the House of Representatives concurring,) That the two Houses of the General Assembly will adjourn sine die on Thursday, 14th of February, 1867.

Mr. Manasco moved to strike out "14th," and insert "18th."

Mr. Pierce moved to postpone the further consideration of the resolution until Monday next, and make it the special order of the hour of 12 m.;

Which was lost.

The vote was then taken on Mr. Manasco's motion;

Which was lost.

Mr. Thrasher moved to amend by striking out "14th," and inserting "16th."

Mr. Cooper (Mr. Ferguson in the chair,) moved to amend the amendment by striking out "14th," and inserting "Monday next, 11th inst."

Mr. Smith of Jackson, called for a division of the question.

The vote being 1st taken on striking out "14th,"

It was lost.

Mr. Mabry moved to lay the resolution on the table;

Which was lost.

The resolution was then concurred in.

Yeas 76, nays 14.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Gotten, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gafford, Hand, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Menefee, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plow-

man, Potter, Robinson of Baldwin, Robinson of Chambers, Savage, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Steadham, Thorn, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Woolf and Younge—76.

NAYS—Messrs. Craig, Gibson, Goodwin, Grant, Hare, Humphrey, Mabry, Raisler, Thrasher, Tompkins, Waller, Williams of Randolph, Wilhite and Worthy—14.

Mr. Worthy, from the Joint Select Committee on Retrenchment, submitted the following report :

The Joint Committee, appointed under the concurrent resolution of the two Houses, report as follows :

WHEREAS, The several reports submitted to this General Assembly show that the expenses of the State government are increasing to an alarming extent, while the ability of the people to support the government has been greatly lessened by reason of our present pecuniary distress ; and whereas, it is believed that many reforms and retrenchments may be made by which the public interest will be materially promoted by lessening the public expenditures, therefore,

Resolved, (the Senate concurring) That a joint committee of three from each House be appointed, whose duty it shall be to consider and inquire into the amounts necessary to carry on the State government, and particularly what retrenchments of expenses can be made in any of the departments of the State government, having regard to the faithful execution of the duties of the several officers, and a proper compensation to secure a faithful performance of the duties thereof, and report by bill or otherwise.

Having considered the subject referred, with a due regard to the public interest and that of the officers and agents of the State, beg leave to report—

That the subjects involved in the resolution embrace a wide range, and presents many difficulties which lie in the way of any effort to retrench the expenses which are annually increasing in the administration of the affairs of the State government. These difficulties are greater now because of the depreciation of the currency for several years past, and the necessity for and encouragement during the recent war of numerous agencies at high prices, which has engrafted upon our system an increase of pay of a much larger sum to carry on the public affairs than formerly, and even now the depreciation of greenbacks, the only currency we have, is urged as a reason for the continuance of high salaries. The committee could not overlook the fact that there is a large increase in the ex-

penses of the government, compared with that of a few years ago, and they are impressed with the conviction that more money is paid for these purposes than the public interest requires, or the pecuniary ability of the people at this time justifies. To illustrate this position the committee has recurred to the expenses of past years.

The Comptroller of Public Accounts, in his annual report, submitted on the 12th day of November, 1851, gives the average expenses of the State government, for two years, at \$99,926 81. By the report of that officer, 14th November, 1853, it appears that the annual expenses for the two years preceding, was \$116,524 32. Passing over the intermediate years, we find the ordinary expenses of the State government, from the report of the Comptroller, made at the commencement of the present session for the year preceding, was \$236,-131 87, showing an excess over the year 1853 of \$120,607 35, after deducting the extraordinary payments made during the last year.

In his report of 12th November, 1853, the Comptroller states that the slave property of the State paid almost one-half the entire revenue, and this proportion runs through the entire period from 1851 to the time when that species of property ceased to exist. The loss of this and other property resulting from the effects of the war, reduced the taxable property several hundred millions, and with that loss the ability of the people of the State to pay taxes has been lessened one-half; and yet, with this decrease of the property and means of the people, the expenses of the Government are doubly in excess of the amount paid when the State was rich and prosperous.

The committee has directed its attention to the best means of lessening this expense, by a reduction of expenditures, with a due regard to an efficient administration and a promotion of the interest of the State. This is considered necessary that we may conform the State to a system of frugality and economy, to which the great mass of our people are suddenly reduced by the results of the war, upon the property and pecuniary ability of the country. The General Assembly owes it to the people of the State, to adopt a rigid system of retrenchment, that will, in its effects, lighten the burdens of taxation and assure them of its desire to remove every burden, the lightest of which now bears with sensible weight.

The work cannot be as fully accomplished now, in consequence of the deranged condition of the currency, as if it were stable at a par value; but a beginning may be made that will

assure the people that we are not unmindful of the duties of the hour, to be followed up, we trust, until the expenses of the State government shall be brought to a point below \$100,000. The committee proposes to reduce the salaries of sundry officers, as will appear in the bills reported. This, it is thought, can be done without any detriment to the public interest, and yet retain to the incumbents adequate compensation. Some salaries they have not proposed to reduce, because, upon examination, they are satisfied that the expense incident to a discharge of the duties and other surroundings require the amounts now paid as compensation. Bills are also reported to retrench the expenses of stationery, fuel, servant hire, distribution of public documents, &c., for the use of the State, which it is believed will materially lessen the expenses of these branches of the public service, also to reduce the expenses of the Legislature, its members and officers, which will afford considerable saving in this department. These, with the reduction of the price of public printing, will save to the State, in the opinion of the committee, the annual payment of \$29,200 from the amounts paid last year, and as they reasonably hope, will be the initiatory step to yet further reductions as the character of our currency and condition of our people shall improve.

This is due by this General Assembly to a confiding constituency, a once rich, but now impoverished people, wasted and prostrated by the calamities of war.

All of which is respectfully submitted.

E. H. MOREN,
W. GARRETT,
WM. A. ASHLEY,

Committee on part of the Senate.

Mr. Pierce from the joint Select Committee on Retrenchment, submitted the following report :

The joint Select Committee on Retrenchment, to whom was referred the following resolution :

Resolved, That the communication from the Secretary of State, together with the resolution of Mr. Mabry of Dallas, on the same subject, be referred to the Committee on Retrenchment, with authority to send for persons and papers, and with instructions to report to this House ;

1st. At what time the printing of the Acts and Journals of the last session of this General Assembly was completed.

2d. Whether the neglect to distribute said Acts and Jour-

nals is the fault of the public printer, Secretary of State, or agents appointed by the latter.

3d. A bill which will provide an efficient remedy for the evil complained of, and secure hereafter an early distribution to each member of the General Assembly, and such others as are by law entitled to a share of said documents ;

Have had the same under consideration, and instruct me to report in reference to the first and second clauses of said resolution, that the Committee on Public Printing, have already investigated and reported upon the subject, exonerating the public printer from all blame or censure ; which report has been adopted, and deem a report thereon unnecessary.

In reference to the third clause, they instruct me to report, that they have prepared a series of bills, which will be first introduced in the Senate, which, in the opinion of your committee, will remedy the evils complained of ; therefore, beg leave to be discharged from the further consideration of said resolution.

J. G. PIERCE,
for Committee.

The report was received and the Committee discharged.

Mr. Pierce, from the same committee, made the following report :

The joint Select Committee on Retrenchment, to whom was referred the bill, to reduce the pay of officers and members of the General Assembly of the State of Alabama, have had the same under consideration, and instruct me to report :

That they have prepared a bill on this subject, which will be first introduced in the Senate, and therefore ask to be discharged from a further consideration thereof ;

Report concurred in, and the committee discharged.

Mr. Pierce, from the same committee, to whom was referred a bill, to repeal the laws providing a Recording Secretary for the Governor, and to provide for temporary employment of a secretary by the Governor, reported—

That they have had the same under consideration, and have prepared, to be introduced first in the Senate, a series of bills that cover the subject, and ask to be discharged from the further consideration thereof ;

The report was concurred in, and the committee discharged.

Mr. Pierce, from the same committee, reported adversely to the Senate bill—

To amend section 728 of the Code ;

Report was concurred in.

Mr. Leeper gave notice that he would move to reconsider

the vote concurring in the Senate resolution to adjourn on the 14th inst.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize the removal of the administration of the estate of B. J. West, deceased, from the probate court of Pike county to the probate court of Butler county ;

To allow William L. Merriwether to put a gate across the Montgomery road in Montgomery county ;

To establish a Medical Board in the county of Hale ;

To authorize the issuance of a patent in a certain case ;

To authorize the securities of certain officers to use their principals as witnesses in certain cases ;

To incorporate the Tuscaloosa Savings Association ;

To increase the jurisdiction of courts of probate, and to declare them courts of general jurisdiction ;

For the relief of Charles Nichols of Marshall county, Jonas Gibson and Jonathan Walker of Winston county ;

The Senate has passed the following House bills :

To repeal an act authorizing the sale of vinous or spiritous liquors in the town of Haw Ridge, in Dale county ;

To amend section 2275 of the Code, so that interpreters may be paid ;

To regulate the distribution of the Revised Code ;

To revive judgments in certain cases ;

To require the payment of the State and county tax on licenses granted by the mayor and aldermen of the city of Huntsville, to be made to the judge of probate of the county of Madison ;

To extend the time for returns and settlements of tax collectors.

M. TAUL, Secretary.

Mr. Thrasher, by leave, introduced a bill—

To change the boundary line between the counties of Lee and Tallapoosa ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

On motion of Mr. Bethea.

The call of the counties was suspended for the purpose of taking up the Senate message.

The House then proceeded to consider the Senate bill—

To amend sections 16 and 22 of an act entitled an act to incorporate the New Orleans, Mobile and Chattanooga Railroad Company, approved November 24th, 1866, and to add additional sections thereto.

The Senate having disagreed to the House amendments.

Mr. McCoy of Russell, moved to postpone the further consideration until Saturday next, at the hour of 12, m. Lost.

On motion of Mr. McKinstry,

The House receded from its amendments ;

Yeas 57; nays 25.

YEAS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Clark of Lawrence, Clark of Mobile, Connelly, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ellis, Ferguson, Gibson, Goodwin, Grant, Hand, Hare, Hawthorne, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McKinstry, McLester, McMillan, Menefee, Moore, Odum, Oliver, Owens, Palmer, Pipkin, Plowman, Potter, Robinson of Baldwin, Seawell, Sheffield, Steadham, Thrasher, Tompkins, Vansandt, Waller, Williams of Randolph, Wilhite, Woolf and Younge—57.

NAYS—Messrs. Bethea; Bourland, Caffey, Callaway, Chapman, Cotten, Craig, Crenshaw, Culver, Edwards, Faulk, Gafford, Henry, McCain, Morse, Padgett, Ruisler, Savage, Thorn, Walker, Warren of Lawrence, Whitfield, Williams of Jackson and Worthy—25.

SPECIAL ORDER,

Being the report of the Joint Select Committee to examine the Comptroller and Treasurer's Reports,

It was taken up, and

On motion of Mr. Ferguson,

The report and all matters pertaining thereto, was referred to the Committee on the Judiciary, with instructions to report without delay, by bill or otherwise.

On motion of Mr. Bethea, the bill—

To permanently exempt real and personal property from levy and sale, under any legal process, for the use of families in this State,

Was made the special order for Saturday next, at the hour of 10 o'clock, a.m.

GENERAL ORDERS.

The bills—

To incorporate the Barnett Manufacturing Company ;

To incorporate the Granite Manufacturing Company of Coosa county ;

For the relief of Harris & Hoyt, of Montgomery county ;

For the relief of Joseph F. Fason, of Greene county ;

To incorporate the town of Summerfield, in the county of Dallas ;

To incorporate the Fireman's Club of Mobile ;

To repeal section two of an act incorporating Lineville Male and Female Academy, approved February 9, 1860, and to substitute a section in lieu thereof as section two ;

To change the name of the Tennessee and Alabama Railroad Company ;

Were severally read the third time, and passed.

The bill to prohibit the sale of intoxicating liquors within certain limits in the county of Limestone.

Was made the special order for to-morrow at the hour of 3½ o'clock.

The bill to amend an act entitled an act the more successfully to secure the collection of rents in the city of Montgomery, approved March 8, 1848 ;

Was read the third time, and laid on the table.

The bills—

For the relief of Matilda Preslar, of the county of Choctaw ;

To prevent and punish unlawful hunting, and other trespass ;

For the relief of Azariah Cobb, of the county of Jackson ;

To authorize the court of county commissioners of Tallapoosa county to borrow money ;

To amend an act entitled an act to prevent the sale of spirituous liquors in quantities less than one gallon, within three miles of Danville, in Morgan county ;

To incorporate the Selma Cotton Press Company ;

For the relief of W. D. Harper, late sheriff of Morgan county ;

To authorize the construction of a railroad between Gainesville and Eutaw, and a connection between roads at those points ;

To amend the charter, and to fix the eastern boundary of the city of Montgomery ;

For the relief of Mobile county ;

To continue in force the right of the Selma and Montgomery Navigation Company ;

To repeal an act establishing the city court of Enfield, Barbour county ;

For the relief of Felix G. Hubbard, of Russell county ;

To require probate judges to make quarterly settlements with the county treasurer ;

To lay off the county of Dale into four commissioners districts ;

For the relief of Columbus D. Reeves and his present wife, of the county of Randolph ;

Were severally read the third time, and passed.

The bill for the relief of A. L. McKinney, sheriff of Limestone county ;

Was read the third time, and lost.

Mr. McCoy of Tallapoosa, gave notice that he would move to reconsider the vote by which the bill was lost.

The bills for the relief of Wm. Beach of Washington county, and Phillip Pritchett and Lotty Pritchett, his wife, of Marshall county ;

To declare certain citizens therein named to be citizens of Calhoun county ;

To incorporate the town of Stevenson, in the county of Jackson ;

To incorporate the Sipsey Bridge Company ;

For the relief of Thomas G. Cole, of Choctaw county ;

For the relief of Parmer A. Kendrick, jailor of Shelby county ;

For the relief of James Gober, of Franklin county ;

To incorporate the Sipsey Falls Manufacturing company ;

For the relief of James B. Farmer, late sheriff of Calhoun county ;

To incorporate the Alabama Mutual Life Insurance company of Selma ;

Were severally read the third time, and passed.

The bills—

To detach from the county of Coosa certain territory therein described, and attach the same to the county of Shelby ;

To change the line between the counties of Pike and Crenshaw ;

Were severally read the third time, and passed, by a two-thirds vote.

The bill for the relief of St. Clair county,

Was referred to the Committee on the Judiciary.

The bill to change the line between Clay and Talladega counties,

Was read the third time, and laid upon the table.

The bills—

To incorporate the Demopolis Fire and Marine Insurance company ;

To authorize Reuben F. Nix to erect gates across a road therein named ;

To establish a medical board for Elmore county ;

To amend and revive the charter of the Coosa and Chattooga Railroad company ;

To incorporate the Cornwall Iron Works company, and to grant said company certain privileges therein specified ;

To incorporate the Gainesville Manufacturing company ;

To incorporate the Sepulgah River Manufacturing company of Conecuh county ;

Were severally read the third time, and passed.

The House substitute to the Senate bill—

To authorize John Whiting, Commissioner and Trustee, to make a deed to Isaac E. Younge,

Was read the third time, and passed.

The Senate bills—

To incorporate the Montgomery Water Works company for the city of Montgomery ;

To establish a medical board in the county of Jefferson ;

To incorporate the town of Gadsden, in the county of Baine ;

To establish the line between the counties of Cherokee and DeKalb, on the Lookout Mountain, passed by a two-third vote ;

To incorporate the city of Greenville ;

To incorporate the Union Springs Saving Association ;

Were read severally the third time and passed ;

The Senate bill for the relief of Moses White, administrator of the estate of George R. Lybrook, of the county of Lauderdale ;

Was referred to the Committee on the Judiciary.

The Senate bills—

To incorporate the "Montgomery Literary Society", a literary and library association in the city of Montgomery ;

To fix the fees of the clerk of the supreme court for binding up the records of supreme cases ;

For the relief of John P. Earp, of Fayette county ;

For the preservation of oysters in this State ;

Were severally read the third time, and passed.

The Senate bill for the relief of Barbara M. Ralph ;

Was read the third time and passed, by a two-third vote.

The Senate bill in relation to the office of the Superintendent of Education for the State of Alabama ;

Was read the third time and laid on the table.

Mr. Leeper, by leave, from the Committee on Internal Improvements, reported favorably, with an amendment, to the

Senate bill to establish a system of internal improvement in the State of Alabama ;

Which was made the special order for Monday next, at the hour of 10 a. m., and 133 copies ordered to be printed.

The Senate bill to incorporate the Pensacola Railroad Company ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Gibson, the bill to define the duties of executors, administrators, guardians and trustees, and to fix their liabilities ;

Was made the special order for Saturday next, at the hour of 12 m.

On motion of Mr. Lanier, the preamble and joint resolution, submitting the question of "convention", or "no convention";

Was made the special order for to-morrow, at the hour of 3½ o'clock p. m.

On motion of Mr. Echols, the House adjourned.

AFTERNOON SESSION, 3½ o'clock P. M.

The House met pursuant to adjournment.

Mr. Goodwin offered the following resolution, which lies over one day, under the rule :

Resolved, That the House of Representatives will hereafter meet at 7½ o'clock p. m.

On motion of Mr. Morse, the adverse report of the Committee on Federal Relations to the joint resolutions memorializing Congress to pass a bankrupt law ;

Was made the special order for Monday next, at the hour of 12 m.

The Senate bill for the relief of defendants in judgments and decrees rendered since the 11th day of January, 1861 ;

Was read twice, under a suspension of the constitutional rule, and

Mr. Mabry offered the following amendment :

Provided, That this act shall apply to plaintiffs as well as defendants.

The bill and amendment was referred to the Committee on the Judiciary.

The Senate bills—

To incorporate the town of Courtland, in the county of Lawrence ;

To incorporate the Ripville Manufacturing Company ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

For the relief of Virgil O. Frazer, of Lee county—

Was read the first and second times, under a suspension of the constitutional rule, and, with the various amendments, was referred to the Committee on Propositions and Grievances.

The Senate bills—

To authorize the administrator of the estate of Samuel W. Davidson, sr., late of the county of Bibb, to settle the same with the heirs of said estate among themselves ;

For the relief of William Stringer, administrator of the estate of William A. Odin, deceased ;

Were read severally the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill—

To provide for the settlements of the accounts between the county of Elmore and the counties out of which it was formed ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The Senate bills—

To authorize the Alabama and Florida Railroad Company of Florida, to purchase from the Alabama and Florida Railroad Company of Alabama, their road from the State line of Florida to the town of Pollard, in the county of Conecuh, and to work, conduct and manage the same ;

In regard to roads, bridges and ferries, in Mobile county ;

To incorporate the Eufaula Home Insurance Company, approved February 7th, 1861 ;

To amend an act entitled an act to amend and continue in force an act entitled an act to incorporate a company to build a bridge across the Black Warrior river, opposite the town of Tuscaloosa, approved January 2d, 1833 ;

To incorporate the Hebrew Ladies' Benevolent Society ;

To incorporate the Warrior Bridge Pontoon Company ;

To empower the commissioners court of Jackson county to issue bonds and to levy a special tax ;

To authorize the commissioners court of Macon county to reissue county treasury notes ;

Were read severally the first, second and third times, under a suspension of the constitutional rule and passed.

The Senate bill—

For the allowance of offsets in certain cases where statutes of limitation is pleaded ;

The Senate bill—

To authorize the use by the State of certain moneys arising from a tax on land under the 5th section of an act to assume and provide for the payment of the tax upon real estate, imposed by act of Congress of the 5th of August, 1864 ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bills—

In relation to the interest upon the State debt, falling due in the months of May, June and July ;

To authorize the mayor and aldermen of Tuscaloosa to issue the bonds of the city, for purposes therein named ;

To incorporate the Fort Deposit Institute, in Lowndes county ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill to provide for the permanent location of the court house of Choctaw county ;

Was read twice, under a suspension of the constitutional rule, and referred to a select committee, composed of the delegation from Choctaw.

The Senate bill to change the boundary line between the counties of Butler and Crenshaw ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds majority.

The Senate bill to change the boundary line between the counties of Bibb and Autauga :

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

The Senate bill to enlarge the boundaries of the Canebrake Agricultural District ;

Was read twice, under a suspension of the constitutional rule, and referred to a select committee, composed of the delegation from Dallas.

Mr. Bethea, by leave, introduced a bill—

To incorporate the Harmonie Club, of Montgomery, Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Corporations.

Mr. Mabry, by leave, a bill to inaugurate measures for the promotion of foreign immigration ;

Which was read twice, under a suspension of the constitutional rule, and referred to a select committee on immigration.

The bill for the relief of John S. Peak and Wm. E. Peak, of Lowndes county ;

Was read the third time, and on motion was laid on the table.

The Senate bills—

To legalize a certain guardianship therein named, made by the guardian ;

To authorize the court of probate of Montgomery county to appoint a special administrator on the estate of Jacob T. Bradford, for the special purpose of prosecuting a suit pending in the circuit court of Montgomery county, of said Jacob T. Bradford against John G. Winter ;

To extend the time for making affidavits to claims against estates of deceased persons which were declared insolvent between the 11th day of January, 1861, and the 1st of September, 1865 ;

To enlarge the powers of chancellors in cases of extraordinary process ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate bills—

To authorize the mayor and aldermen of the city of Tuscaloosa to build a bridge pontoon and establish a ferry across the Black Warrior river ;

To establish two new election precincts in the county of Clay ;

To amend section 3925 of the Code ;

For the relief of Thomas Shea ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

For the relief of J. C. Henderson, former sheriff of Talladega county ;

To compensate David E. Hickman, for feeding prisoners ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bill for the relief of Richard J. Murray of Fayette county, and Wm. P. Mays of Chambers county ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The Senate bills—

For the relief of Nancy M. C. Reynolds, of Lawrence county ;

For the relief of Caledonia Green, of the county of Calhoun, and permit her to marry :

To enlarge the jurisdiction of the chancery court ;

To authorize the issuance of executions on certain judgments without a revival,

To repeal an act to allow creditors without liens to file bills for the collection of debts in certain cases, approved February 24, 1860 ;

To extend the time of reporting estates insolvent ;

Were read severally the first and second times, under a suspension of the rule, and referred to the Committee on the Judiciary.

The Senate bills—

To register and cancel bonds of the State that have been redeemed ;

To authorize the administration of the estate of Samuel C. McGehee, of Talladega county, to sell lands belonging to said estate privately ;

To authorize Ellen Elizabeth Deaver, of the county of Blount, to make a title to a certain tract of land therein named ;

To repeal an act entitled an act to provide for the safe-keeping, distribution and exchange of the Supreme Court Reports, approved Feb. 8th, 1866, and to regulate the safe-keeping, distribution and exchange of said reports ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bills—

To fix the pay of the Reporter of the decisions of the Supreme Court ;

In relation to the reports of the decisions of the Supreme Court ;

To repeal an act entitled an act to provide for the printing and distribution of the decisions of the Supreme Court, approved December 12, 1865 ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bill—

In relation to the sale of books the property of the State ;

Was read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

Authorizing the Comptroller of Public Accounts to employ counsel to prosecute before the Supreme Court a cause therein named ;

Was read the first and second times, under a suspension of

the constitutional rule, and referred to the Committee on the Judiciary.

Mr. McKinstry moved that on the re-assembling of the House on to-morrow morning, the consideration of the Senate messages should be continued. Carried.

On motion of Mr. Bethea,

The House then adjourned until 9½ o'clock a. m. to-morrow.

FRIDAY, February 8.

The House met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

On motion of Mr. Savage, the reading of the journal was dispensed with.

Leave of absence was granted Mr. Goodwin.

On motion of Mr. Worthy, the vote referring the bill—

To authorize the administrator of the estate of Samuel W. Davidson, sr., late of the county of Bibb, to settle the same with the heirs of said estate among themselves, to the Judiciary Committee,

Was reconsidered, and

The bill was read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. McCoy of Russell,

The vote was reconsidered referring to the Committee on the Judiciary, the bill for the relief of defendants in judgments and decrees rendered since the 11th day of January, 1861.

On motion of Mr. McKinstry, the bill was amended so as to apply to plaintiffs as well as defendants.

The bill, as amended, was read the third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To authorize the commissioners of revenue of Mobile county to elect the tax assessor of said county, and remove such assessor ;

Which was read the first, second and third time, under a suspension of the constitutional rule, and passed.

Yeas 54 ; nays 14.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brooks, Caffey, Chapman, Clark of Mobile, Connelly, Cotten, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Faulk, Frazer, Ferguson, Gafford, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malloy, Mc-

Alexander, McBee, McCain, McCann, McCoy of Russell, McKinsty, McLester, McMillan, Menefee, Owens, Raisler, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Steadham, Thrasher, Thorn, Waller, Whitfield, Worthy and Younge—54.

NAYS—Messrs. Crenshaw, Edwards, McMillan, Morse, Oliver, Palmer, Plowman, Potter, Robinson of Baldwin, Savage, Tompkins, Vansandt, Wilhite, and Woolf—14.

On motion of Mr. Whitfield, the vote was reconsidered by which the Senate bill to repeal an act entitled an act to provide for the safe keeping, distribution and exchange of the supreme court reports, approved February 8, 1866, and to regulate the safe keeping, distribution and exchange of said reports.

Was passed, and the bill was then referred to the Committee on Ways and Means.

On motion of Mr. Worthy, the vote was reconsidered, referring to the Judiciary Committee the Senate bill for the relief of Moses White, administrator of the estate of George R. Lybrook, of the county of Lauderdale;

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. McKinsty, the vote by which the Senate bill to fix the salary of reporter of the supreme court,

Was passed, was reconsidered, and the bill referred to the Committee on Ways and Means.

On motion of Mr. Leeper, the vote was reconsidered, by which the Senate bill to establish a system of internal improvement in the State of Alabama, was made the special order of Monday next;

The bill was taken up, and on motion of Mr. Whitfield, it was made the special order for Monday next, at the hour of 10 1-2 o'clock;

Mr. Smith of Jackson, by leave, from the Committee on County Boundaries, reported favorably to the Senate bill to form a new county from a portion of Franklin, to be called Dixie;

Mr. Morse moved to amend the bill by striking out "Dixie" and inserting Colbert;

The amendment was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed by a two thirds vote, and forthwith ordered to the Senate.

The Senate bill to pay M. P. Blue for a certain map;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bills—

For the relief of Charles Nichols of Marshall county, James Gipson and Jonathan Walker of Winston county ;

To change the county line between Clay and Talladega counties ;

To change the line between Clay and Cleburne counties, and to add certain sections of land therein named to Cleburne county ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed by a two third vote.

Mr. Whitfield, by leave, offered the following resolution,

Which was adopted :

Resolved, That the Comptroller of Public Accounts be and is hereby required to submit to the House as soon as practicable, a statement of the assessments on each item of taxation as returned from each county in the State for the year 1866.

The Senate bills—

To amend an act entitled an act to incorporate the town of Livingston, in Sumter county ;

To regulate the pay of county commissioners in the county of Bullock ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To add a portion of the county of Cleburne to the county of Talladega,

Was read twice, under a suspension of the constitutional rule.

Mr. McCann offered the following amendment,

Which was adopted :

Amend by striking out sections 3, 10, and half of section 15, township 17, range 8, and adding sections 16, 19 and half of section 20, in same township, to Talladega county, the line cutting sections 15 and 20 diagonally from south-west to north-east.

The bill, as amended, was read the third time, under a further suspension of the constitutional rule, and passed by a two-third vote.

The Senate bill—

To organize a chancery district of certain counties therein named,

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Doster moved to amend by striking out the county of Autauga.

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To authorize the commissioners court of Russell county to issue treasury notes;

To regulate the places of holding sheriffs' sales in Bibb county;

To declare the common form of indictment under section 1059 of the Code sufficient for violations of local laws regulating the sale of spirituous liquors;

To incorporate the city of Eufaula;

To incorporate the Pioneer Fire Company of Greenville;

To amend an act entitled an act to incorporate the Wilcox Monumental Association;

To incorporate the Notasulga Manufacturing Company;

To incorporate the Montgomery Mutual Building and Loan Association;

To incorporate the Montgomery Chamber of Commerce;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

The House concurred in the Senate amendment to the bill—

To prevent trespass by camp hunters in Randolph county.

The House also concurred in the Senate amendment to the bill—

To amend section 713 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail on writ of *habeas corpus* in cases of felony before conviction.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend section 97 of the Code;

To extend the corporate limits of the city of Montgomery;

In relation to the contingent fund;

To regulate the hiring of servants for the State;

To fix the pay of county commissioners of Elmore county;

To renew and continue in force an act entitled an act to authorize the erection of a toll bridge over North river, in Tuscaloosa county, approved February 4th, 1846;

To authorize the removal of the administration of the estate of J. P. Baskin from the county of Pike to the county of Bullock;

To authorize the Commissioners court of the county of Bul-

lock to issue treasury notes for the purpose of building a court house and jail building, and repairing bridges, and for other county purposes;

To provide for the legal and just distribution of the school fund for 1865 and 1866 ;

For the relief of Benj. Snodgrass, of Jackson county ;

To confer additional powers on the city council of Montgomery ;

To prevent undecided appeals to the Supreme Court from losing their force by discontinuance or otherwise, unless the appellant move for a discontinuance after legal cause thereof has occurred ;

To repeal sections 99 and 100 of the Code, and substitute others in lieu thereof ;

Authorizing the manner of purchasing stationery for the State ;

To regulate the mode of purchasing fuel for the State ;

In relation to the employment of special clerical services for the State ;

To change the time for the election for members of Congress from this State ;

To encourage sheep raising in this State ;

For the relief of Levi Pitts, jailor of Jackson county ;

To establish a school for blind persons.

The Senate has amended, as therein shown, and passed the House bill—

To appropriate fines collected from road defaulters to the use of roads and bridges in the counties of Choctaw, Washington, Fayette, Coosa, Walker, Marion and Winston ;

The Senate has also passed the House bills—

To authorize the commissioners court of the county of Elmore to issue treasury notes to pay for the building of bridges, a jail and court house, and other purposes ;

To secure to the State of Alabama, the benefits of an act of Congress donating public land to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts.

M. TAUL, Secretary.

The Senate bill—

Authorizing the administrator of the late Charles H. Patton, of the county of Madison, and State of Alabama, to invest certain moneys belonging to said estate in bonds or stocks ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, from a select committee, reported favorably, with an amendment, to the Senate bill—

To provide for the permanent location of the court house of Choctaw county ;

Provided, That in view of the probability that a new county will be created out of portions of Choctaw and Sumter, or Choctaw and Washington, which may be done at the next session of the General Assembly, no new county buildings, in the event the vote should be for a removal, shall be commenced or erected until after the adjournment of the next General Assembly ;

The amendment was adopted ;

And the bill was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bill —

To facilitate the liquidation of the Bank of Selma ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Banks and Banking.

The Senate bill—

To fix the prices to be paid for public printing ;

Was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Manasco, was laid on the table ; and

Mr. Brandon offered the following amendment—

Amend section 5, by striking the following words from said section, to-wit :

Provided, That the General Assembly shall retain the right to repeal, modify or change the foregoing charter at any time, and also to change and alter the rates of ferriage ;

The amendment was adopted,

And the bill was read the third time, and passed.

The Senate bill—

To relieve the tax payers of Pickens county ;

To authorize the commissioners court of the county of Morgan, to levy an additional tax for county purposes ;

To incorporate the Stafford Mills ;

To authorize the administrator of the estate of the late Charles H. Patton, of Madison county, to invest certain interest of his estate in the capital stock of the Bell Factory, an incorporated company ;

To incorporate the Tuscaloosa Savings Association ;

To establish a Medical Board in the county of Hale ;

To allow Wm. L. Merriwether to put a gate across the Montgomery road in Montgomery county ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bills—

To repeal an act entitled an act concerning vagrants and vagrancy ;

To authorize married women to insure the lives of their husbands ;

To authorize the securities of certain officers to use their principals as witnesses in certain cases ;

To increase the jurisdiction of courts of probate, and to declare them courts of general jurisdiction ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill to authorize the removal of the administration of the estate of B. J. West, deceased, from the probate court of Pike county to the probate court of Butler county ;

Was read twice, under a suspension of the constitutional rule, and referred to a select committee, composed of the delegation from Pike and Butler.

The Senate bill to amend section 78 of the Code ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Public Printing.

The Senate bill to authorize the issuance of a patent in a certain case ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Ways and Means.

The Senate bill to alter the boundary line between the counties of Dallas and Perry, and to annex a portion of Perry to Dallas county ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Seawell offered the following amendment to section 1 :

Provided, The commissioners court of Perry county shall assess taxes against that portion of Perry county hereby attached to the county of Dallas, to the amount of their *pro rata* share of the present indebtedness of Perry county, and the commissioners court of Dallas county shall be held liable for the payment of said amount of taxes into the county treasury of Perry county.

The amendment was adopted, and the bill referred to the Committee on County Boundaries.

The House concurred in the Senate amendment to the bill to appropriate fines collected from road defaulters to the use

of roads and bridges, in the counties of Choctaw, Washington, Fayette, Coosa, Walker, Marion and Winston.

The Senate bill to provide for the just and legal distribution of the school fund for the years 1865 and 1866;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Education.

The Senate bill to repeal sections 99 and 100 of the Code, and to substitute others in lieu thereof;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The Senate bill to establish a school for blind persons;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Education.

The Senate bill to change the time for holding the elections for members of Congress from this State;

Was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Grant, the further consideration was postponed until Tuesday next, and made the special order for the hour of 12 o'clock m.

The Senate bill to encourage sheep-raising in this State;

Was read the first and second times, under a suspension of the constitutional rule;

When the bill was amended by exempting from its provisions the counties of Coffee, Choctaw, Calhoun, Cherokee, Cleburne, Marion, Fayette, Blount, Randolph, Winston, Walker, Jefferson, Lawrence, Tallapoosa, Shelby, DeKalb and St. Clair;

The bill, as amended, was read the third time, under a further suspension of the constitutional rule, and passed.

On motion of Mr. Clark, of Mobile,

The House adjourned until 3½ o'clock p. m.

EVENING SESSION; 3½ o'clock p. m.

House met pursuant to adjournment.

SPECIAL ORDERS.

The first special order being the bill to prohibit the sale of intoxicating liquors within certain limits in the county of Limestone;

It was taken up, and

On motion of Mr. Raisler, was postponed until to-morrow at the hour of 5½ p. m.

The next special order, being the joint resolution submitting

to the people of the State the question of Convention or no Convention ;

It was taken up, and

Mr. Potter moved to refer the resolution to the Committee on the Judiciary. Lost.

Yeas, 35 ; nays, 44.

YEAS—Messrs. Ash, Bourland, Clark of Lawrence, Clark of Mobile, Connelly, Dobson, Doster, Edwards, Ellis, Grant, Lawrence of Cherokee, Lawrence of Fayette, Mabry, Malone, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Moore, Oliver, Owens, Palmer, Padgett, Pipkin, Potter, Robinson of Baldwin, Seawell, Steadham, Walker, Waller, Whitfield, Williams of Jackson and Wilhite—36.

NAYS—Messrs. Speaker, Bethea, Brooks, Caffey, Callaway, Chapman, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Faulk, Frazer, Ferguson, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Ledbetter, Lindsey, Manasco, McCain, McCoy of Tallapoosa, Meadors, Menefee, Morse, Odum, Plowman, Raisler, Savage, Sheffield, Smith of Jackson, Sturdivant, Thrasher, Thorn, Vansandt, Williams of Randolph, Woolf, Worthy and Younge—44.

On motion of Mr. Pierce, the resolution was amended by striking out the word "March," in seventh line, and inserting therefor the word "May."

Mr. Moore moved to amend by striking out the word "May" in 7th line, and inserting thereof the word "August."

Adopted.

Mr. McCoy of Russell, moved to lay the resolution on the table. Carried.

Aeas, 51 ; nays, 30.

YEAS—Messrs. Ash, Bethea, Borden, Bourland, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Dobson, Doster, Edwards, Ellis, Faulk, Gibson, Grant, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Menefee, Moore, Oliver, Owens, Palmer, Padgett, Pipkin, Potter, Raisler, Robinson of Baldwin, Savage, Seawell, Steadham, Sturdivant, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Woolf—51.

NAYS—Messrs. Speaker, Brooks, Chapman, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Frazer, Ferguson, Hare, Hawthorne, Henry, Humphrey, Lanier, Manasco, McCain, McCoy of Tallapoosa, Meadors, Morse, Odum, Pierce,

Plowman, Smith of Jackson, Thrasher, Thorn, Vansandt, Worthy and Younge—30.

Mr. Pierce moved to reconsider the vote by which the resolutions were laid on the table.

Mr. Grant moved to lay Mr. Pierce's motion on the table.

Carried.

Yeas 49, nays 31.

YEAS—Messrs. Ash, Bethea, Borden, Bourland, Callaway, Clark of Mobile, Connelly, Dobson, Doster, Edwards, Ellis, Gibson, Grant, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCain, McMann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Menefee, Moore, Oliver, Owens, Palmer, Padgett, Pipkin, Potter, Raisler, Robinson of Baldwin, Savage, Seawell, Steadham, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Willhite and Woolf—49.

NAYS—Messrs. Speaker, Brooks, Chapman, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Echols, Faulk, Frazer, Ferguson, Hare, Hawthorne, Humphrey, Lanier, Ledbetter, Manasco, Meadors, Morse, Odum, Pierce, Plowman, Sheffield, Smith of Jackson, Sturdivant, Thrasher, Vansandt, Worthy and Younge—39.

Mr. McCoy of Tallapoosa, gave notice that he would move to reconsider the vote by which Mr. Pierce's motion was laid on the table.

On motion of Mr. Williams of Jackson,

The House adjourned until 9½ o'clock to morrow morning.

SATURDAY, February 9.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

Journal read and approved.

SPECIAL ORDER,

Being the bill to permanently exempt real and personal property from levy and sale, under any legal process, for the use of families in this State,

It was taken up.

Mr. Bethea moved to amend by striking out fifteen, in the fourth line, and inserting twenty-five.

A division of the question being called for, the vote was first taken on striking out, and carried.

Mr. McCoy of Russell, offered an amendment to Mr. Bethea's amendment by inserting thirty. Lost.

The vote was then taken on Mr. Bethea's amendment to insert twenty-five ;

Which was adopted.

Mr. McKinstry moved to amend by inserting in the word "process" the words "and from administration" ;

Which was adopted.

Mr. Bethea moved to amend by adding after the word value, in 5th line, section 1st, the words, "which real estate shall embrace the homestead" ;

Which was adopted.

Mr. Bethea moved to amend by striking out "two" in the 6th line, and inserting "three ;" also, in same line after the word "dollars," insert "and to embrace the homestead." Adopted.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his private Secretary.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in the House :

For the relief the sheriff of Russell county ;

To authorize Wilson McLemore, of Pike county, to receive and collect money for curing cancers ;

To legalize the action of the court of county commissioners of Morgan county, in a certain case therein specified ;

To regulate sheriffs' sales in Dallas county ;

To repeal all acts and laws incorporating the town of Jasper, in Walker county ;

For the relief of Napoleon B. Rouse ;

Approving the consolidation of the Dalton and Jacksonville Railroad Company with other companies therein named, and to authorize the consolidated company to adopt a name and charter, and to act under the same ;

To authorize and require the court of county commissioners of Marengo county to issue a certificate or county claim to B. Hampton, late sheriff of said county ;

Resolution of thanks to Hon. Lewis Wyeth, of Marshall county, in this State ;

To remove obstructions in Pea River, in Coffee county ;

To give the commissioners court of the county of Chambers full and complete control over the funds of said county ;

For the relief of Amanda B. Crumbley ;

To require the chancellor to hold two terms of the chancery court each year in the county of Limestone ;

To authorize the town council of the town of Greensboro, in Hale county, to issue its bonds, and to subscribe to the capital stock of railroad companies, and levy and collect taxes to pay the principal and interest of the same ;

To authorize the marshal of the town of Jacksonville to discharge the duties of bailiff in the county of Calhoun ;

To divide Coffee county into four commissioners districts ;

To authorize the commissioners court of Dale county to issue treasury notes ;

To amend the 1st section of an act entitled an act to create a new county out of portions of Macon, Montgomery, Pike and Barbour counties, approved Dec. 5, 1866 ;

To authorize Mary Hughes, of Franklin county, to make titles to a certain tract of land in Franklin county.

SAMUEL H. DIXON, Private Secretary.

Mr. Bethea offered the following proviso to the 3rd section ;
Which was adopted :

Provided, That it should be impracticable under the provisions of this section to set apart for the use of a family the quantity of real property intended to be exempted from forced sale by the first section of this act, and the homestead of the family should be ascertained to be of value exceeding the limit prescribed in said first section then it shall be the duty of the officer who may sell such real property, to sell the same subject to the amount of said exemption.

Mr. Bethea offered the following amendment,

Which was adopted :

SEC. *Be it further enacted*, That no stock of horses, mules or oxen, or farming utensils used in the cultivation of a crop, shall be sold by any legal process issued from any court in this State between the first of March and first of September ;
Provided, That the defendant shall give a forthcoming bond for the delivery of such property, as is now authorized by law ;

Mr. Steadham offered the following amendment ;

Which was lost :

SEC. —. *Be it further enacted*, That the exemption provided for in this act, shall not extend to persons who purchased property, from an executor, administrator, guardian or trustee, and give notes therefor ;

Mr. Bourland offered the following amendment :

SEC. —. *Be it further enacted*, That all persons shall have

the benefit of the exemption herein provided against all debts on which the debtor shall have paid ten per cent. by the first of January, 1868, and one fourth of the remainder of such debt or debts on the 1st day of each succeeding January thereafter, and not otherwise ;

Provided further, That the provisions of this act shall not apply to the wages of laborers, nor to debts due for rent ;

Mr. Grant offered the following substitute for the pending amendment :

SEC. — *Be it further enacted*, That the provisions of this act shall in no case be plead as a bar to the collection of any debt incurred for the wages of labor, or for provisions, or materials furnished, or against any party who is not the owner in his or her own right of property or money of value equal in amount to the property exempted by the provisions of this act ;

It was lost.

Yeas 28 ; nays 56.

YEAS—Messrs. Ash, Borden, Clark of Lawrence, Connelly, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Faulk, Hand, Leeper, Lindsey, Mabry, Maloue, Malloy, McCoy of Russell, McMillan, Menefee, Moore, Oliver, Palmer, Pipkin, Robinson of Baldwin, Steadham, Walker, Whitfield, and Willhite—28.

NAYS—Messrs. Speaker, Bethea, Bourland, Brooks, Caffey, Callaway, Chapman, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Echols, Frazer, Ferguson, Gafford, Gibson, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, Morse, Odum, Padgett, Pierce, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Thrasher, Thorn, Tompkins, Vansandt, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—56.

A division of the question being called for, the vote being taken on the first section of Mr. Bourland's amendment ;

It was lost.

Yeas 35 ; nays 52.

YEAS—Messrs. Ash, Borden, Bourland, Clark of Lawrence, Dobson, Doster, Edwards, Ellis, Goodwin, Grant, Lindsey, Malloy, McAlexander, McBee, McLester, McMillan, Moore, Oliver, Palmer, Pipkin, Robinson of Baldwin, Steadham, Walker, Whitfield, and Willhite—35.

NAYS—Messrs. Speaker, Bethea, Brooks, Caffey, Callaway, Clark of Mobile, Cotten, Craig, Crenshaw, Culver, Davis of

Barbour, Echols, Ferguson, Gafford, Gibson, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Malone, Malloy, Manasco, McCain, McCoy Tallapoosa, McKinstry, Meadors, Morse, Odum, Owens, Padgett, Pierce, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Sturdivant, Thrasher, Thorn, Vansandt, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—52.

Message from the Senate :

Mr. Speaker :

The Senate has amended as therein shown, and passed the following bill:

To provide for the adoption, printing and distribution of the Revised Code of Alabama.

M. TAUL, Secretary.

Mr. Moore offered the following amendment by way of a substitute, for the 2d section of Mr Bourland's amendment—

Provided, That the provisions of this act shall not apply to debts incurred for family expenses, such as food, clothing, educational and medicinal services, nor shall the property be exempt from sale for payment of the debt contracted for its purchase, nor its debts due the widows and orphans of deceased soldiers, left in more embarrassed circumstances than the debtor.

Which was lost.

Mr. Potter offered the following substitute for Mr. Bourland's amendment—

Provided, That the exemption granted in this act shall not apply to debts contracted with teachers and physicians, for services rendered by them ;

It was lost ;

Yeas 28, nays 51.

YEAS—Messrs. Speaker, Clark of Lawrence, Connelly, Dobson, Doster, Ellis, Faulk, Grant, Lawrence of Cherokee, Lindsey, Malloy, McAlexander, McBee, McCann, McCoy of Russell, McMillan, Meadors, Menefee, Moore, Owens, Palmer, Pipkin, Potter, Robinson of Baldwin, Steadham, Walker, Whitfield and Willhite—28.

NAYS—Messrs. Ash, Bethea, Bourland, Brooks, Caffey, Callaway, Clark of Mobile, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Echols, Edwards, Frazer, Ferguson, Gafford, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier,

Lawrence of Fayette, Ledbetter, Mabry, Malone, Manasco, McCain, McCoy of Tallapoosa, McKinstry, McLester, Morse, Odum, Oliver, Padgett, Pierce, Plowman, Raisier, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf and Worthy—51.

Message from the Senate

Mr. Speaker:

The Senate agrees to the House amendments to the Senate bill—

To form a new county to be called the county of Dixie.

The Senate has originated and passed the following bills:

To define and extend the corporate limits of the city of Selma;

To amend the charter of the town of Florence;

To provide for the compensation of Thomas B. Williams, late judge of the county of Morgan;

To reorganize the Government Street Railroad Company and extend the powers thereof;

To fix the pay and mileage of the officers and members of the General Assembly;

To retrench the expenses of the State Government;

To incorporate the Eureka Mining Company of Alabama;

To alter and amend an act entitled an act to incorporate the Chunnenugge, Female College of Macon county;

To authorize the corporate authorities of the town of Greensboro' to levy and collect a special tax to provide a court house and jail for the county of Hale;

To locate the county seat of Jackson county, and to build a court house and jail;

To incorporate the Memphis and Elyton Railroad Company;

Mr. McBee offered the following amendment by way of substitute for Mr. Bourland's amendment:

Provided, That this act shall not apply in the following cases, viz: For the indebtedness for the purchase of land or stock of any description, provisions of any kind, or loaned money, or for the services of teachers, blacksmiths and laborers, or debts due for rent;

Which was lost.

The proviso offered by Mr. Bourland was then adopted.

Yeas 71, nays 10.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brooks, Caffey, Clappan, Clark of Lawrence, Clark of Mobile, Counelly, Davis of Barbour, Doster, Echols, Edwards, Ellis, Ferguson, Gafford, Gibson, Grant, Hand, Hare, Hawthorne, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Morse, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thrasher, Thorn, Tompkins, Vansandt, Waller, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Willhite, Woolf and Worthy—71.

NAYS—Callaway, Cotten, Craig, Crenshaw, Culver, Dobson, Goodwin, Henry, Lindsey, Moore, Odum, Richardson and Walker—12.

On motion of Mr. Bethea, the 7th line of 1st section was amended by adding, after the word "property," the word "not."

Mr. Echols offered the following amendment,

Which was adopted :

SEC. —. *Be it further enacted*, That the provisions already on hand, and necessary to carry on the labors of the farm, be, and the same are hereby exempted from levy and sale.

Mr. Clark of Mobile, offered the following amendment,

Which was lost :

Provided, That any family of more than five children shall be entitled to have exempted, property to the value of \$250, additional for each female or minor child beyond that number and dependent upon the head of the family for support.

Mr. Oliver offered the following amendment,

Which was lost :

Provided, This act shall not apply to any debts now existing.

Mr. Leeper offered the following amendment,

Which was lost :

SEC. —. *Be it further enacted*, That in any contract hereafter entered into and reduced to writing, and it be expressed in such writing "exemption waived," then the provisions of this act shall not apply to such contract.

Mr. Callaway offered the following amendment by way of substitute,

Which was lost :

Strike out all after the enacting clause, and insert :

SEC. 1st. That there shall be exempt from execution and

sale, for the use of every family in this State, three thousand dollars, including real and personal property, to be selected by the head of the family, and that the sheriff of the county, upon the application of any head of a family, shall summon three disinterested free holders, whose duty it shall be to act as appraisers of such property so selected, and return an inventory of the same, under oath, to the judge of probate, whose duty it shall be to record the same in a book to be kept for that purpose; *Provided*, That the provisions of this act shall not apply to the wages of day laborers.

SEC. 2d. *Be it further enacted*, That all laws or parts of laws contravening this act, be and the same are hereby repealed.

Mr. Price offered the following amendment,

Which was lost:

SEC. —. *And be it further enacted*, That all the property, both real and personal, exempted by this act, shall, upon the death of the head of the family, male or female, descend to and be distributed among the next of kin, in the same way that other property descends and is distributed under the laws of this State.

Mr. Morse offered the following amendment,

Which was adopted:

SEC. —. *Be it further enacted*, That the property herein exempted from levy and sale, shall also be exempted from administration for the use of the families of deceased persons in this State.

Mr. Ellis moved to postpone the further consideration of the bill until Monday next. and make it the special order for the hour of 12 m.;

Which was lost.

Mr. Thrasher moved to suspend the constitutional rule, in order to give the bill a third reading forthwith;

Which was lost, there not being a four-fifths vote.

Yeas 54, nays 27.

YEAS— Messrs. Speaker, Bethea, Bourland, Brooks, Caffey, Cotten, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Faulk, Frazer, Ferguson, Gafford, Gibson, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Malone, Manasco, McCoy of Tallapoosa, McKinstry, Morse, Odum, Owens, Padgett, Pierce, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Smith of Jackson, Thrasher, Thorn, Vansandt, Waller, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—54.

NAYS—Messrs. Ash, Borden, Callaway, Clark of Lawrence, Connelly, Dobson, Edwards, Ellis, Grant, Hardie, Leeper, Lindsey, Malloy, McAlexander, McBee, McCann, McLester, McMillan, Oliver, Palmer, Pipkin, Robinson of Baldwin, Steadham, Walker, and Wilhite—27.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Message from the Senate.

Mr. Speaker :

I am directed to inform the House of Representatives that Mr. Taul has resigned the position of Secretary of the Senate, and that William H. Garrett has resigned the position of Assistant Secretary.

WM. H. GARRETT, Secretary.

Mr. Lanier, from a select committee, to whom was referred the different bills upon the subject of immigration, reported the following substitute :

To organize a State Immigration Aid Society ;

The substitute was adopted, and

Mr. McCoy of Russell, moved to postpone the further consideration until the 14th of February ;

Which was lost.

Mr. McCoy of Russell, moved to lay the bill on the table,

Which was lost.

Yeas 26, nays 42.

YEAS—Messrs. Callaway, Connelly, Davis of Bibb, Dobson, Edwards, Hand, Ledbetter, Lindsey, Malloy, Manasco, McBee, McCoy of Russell, McLester, Menefee, Moore, Oliver, Palmer, Padgett, Plowman, Robinson of Chambers, Steadham, Thorn, Vansandt, Williams of Jackson, Williams of Randolph, and Wilhite—26.

NAYS—Messrs. Speaker, Bethea, Bourland, Brooks, Caffey, Clark of Lawrence, Craig, Crenshaw, Culver, Doster, Echols, Frazer, Ferguson, Gafford, Gibson, Goodwin, Grant, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Mabry, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Odum, Owens, Pierce, Potter, Raisler, Richardson, Robinson of Baldwin, Sturdivant, Tompkins, Waller, Warren of Lawrence, Whitfield, Woolf and Worthy—42.

The bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Williams of Jackson, the Senate bill to

fix the prices to be paid for public printing, was taken from the table ;

Was read the third time, under a suspension of the constitutional rule.

Mr. Gibson, by leave, from the Committee on Local Legislation, reported favorably, with the following amendment, to the bill to provide for the location of the court house in Russell county :

Amend by striking out of the 4th section the words "the names of one or more places", where they occur, and inserting the words "the names of the places known as Silver Run, Girard and Crawford";

Adopted.

Mr. McCoy of Russell, moved to amend section 6 by inserting after the word "to", in the 10th line, the following, to-wit :

"Receive, by donation, a fee-simple title to land in said place receiving a majority of the whole votes cast, whereon to erect county buildings ; and they may also receive donations of money or other property for such purpose ; and when a suitable building for a court house and jail shall be erected at the place receiving the majority of said votes as aforesaid, from the donations aforesaid, then in that event it shall be the duty of the commissioners court, or a majority of said court voting to receive said buildings, to see that all books, papers, and records of said county shall be moved to the place so received by said court";

Adopted.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Whitfield moved to suspend the order of business to enable the Judiciary Committee to report;

Carried.

Mr. McKinsty, from the Committee on the Judiciary, reported favorably to the Senate bill to authorize the Governor to pardon Peter Martin, Jr. ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill to change the time of payment of the salary of officers of the State of Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill for *pro rata* payment of existing county debt in the formation of new counties ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill to authorise Mrs. C. F. Adair, widow of Weyman Adair, deceased, late of Talladega county, to sell a one-half interest in a mill site and water power for money, property, or labor advanced to erect a mill or other machinery in lieu of one washed off by a freshet ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, by leave, introduced the following resolution, which was adopted :

Resolved, That after this date no bill will be entertained during the present session of the Legislature, having for its object to create new counties in this State.

On motion of Mr. McKinstry, the House adjourned until 3½ o'clock, p. m.

EVENING SESSION, 3½ o'clock, p. m.

The House met pursuant to adjournment.

SPECIAL ORDER.

Being the bill to prohibit the sale of intoxicating liquors within certain limits in the county of Limestone ;

It was taken up, and Mr. Raisler offered the following amendment ; which was adopted :

SEC. 2. *Be it further enacted*, That physicians and druggists shall not be allowed to sell spiritous, vinous or intoxicating liquors, in the corporate limits of the town of Athens, or within a distance of three miles in any direction of said town, without first obtaining a license to sell, from the mayor and aldermen of said town, except for medicinal or sacramental purposes ;

The bill as amended was read the third time, and passed.

On motion of Mr. Owens, the vote was reconsidered, by which the bill to provide for the location of the court house in Russell county, was passed ; also, the vote by which the amendment of Mr. McCoy of Russell, was adopted ;

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

REPORTS FROM JUDICIARY COMMITTEE.

Mr. McKinstry, from the Committee on Judiciary, reported favorably to the bills—

To create a new chancery district of the county of Lee ;

To authorize the reconsideration of causes in the supreme court ;

To define and punish a violation of the provisions of an act entitled an act to give a lien on the crop and stock for advances to assist in making the crop ;

In relation to beat officers in this State ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill to authorize the Governor of the State to institute suit in certain cases ;

Mr. Bethea moved to amend by inserting after the word "authorized," in third line, the words, "if he deems it necessary ;"

Which was adopted.

Mr. Pierce moved to amend by inserting "to instruct the Attorney General ;"

Which was lost.

The bill, as amended, was read a third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same Committee, reported favorably to the bills—

To provide a special supreme court in certain cases ;

To amend section 1691 of the Code of Alabama ;

To amend an act entitled an act to empower the commissioners court of Winston county to issue county bonds and levy a special tax, approved December 11, 1865 ;

To amend section 2587 of the Code of Alabama ;

To amend section 2536 of the Code of Alabama ;

Which were severally read third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bills—

To hold two terms of the chancery court for 25th chancery district of Northern Chancery Division of Alabama, composed of Franklin county ;

To amend section 152 of the Code of Alabama ;

To authorize the commissioners court of the county of Pickens to purchase lands upon which to locate and provide for the poor of the county ;

To authorize J. C. Stansel of Pickens county, to erect gates across a public road in said county ;

In relation to suits against joint obligors ;

To amend an act entitled an act to limit and construe an act, approved January 30, 1860, entitled an act to construe section 1738 of the Code, and for other purposes ;

Giving the right of appeal in cases pending before the judge of probate ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. McCoy of Russell, the vote was reconsidered, by which the bill to provide for the location of the court house in Russell county, was passed ;

And the bill made the special order for Tuesday next.

Mr. McKinstry, from the same committee, reported favorably, with an amendment, to the bill to exempt justices of the peace from doing military duty ;

The amendment was adopted, and the bill read a third time, and passed.

To extend the jurisdiction of the chancery courts ;

To amend section 2206 of the Code of Alabama ;

To amend section 3085 of the Code of Alabama ;

To amend section 480 of the Penal Code of Alabama ;

To authorize the administrator of the estate of Stanford Mims, deceased, late of Monroe county, to rent or sell the lands of said estate by private contract ;

Authorizing the joining the parties defendant, all the obligors on notes, bills, bonds, and other evidences of debt in actions at law ;

Which were severally read a third time, under a suspension of the constitutional rule and passed.

Mr. McKinstry, from the same committee, reported favorably, with the following amendment, to the bill—

To regulate the issuance of executions from the probate court, in certain cases :

SEC 4. *Be it further enacted*, That in all cases where an executor, guardian or administrator dies without having made a final settlement of his accounts, the sureties of such executor, administrator or guardian, or the representatives of deceased sureties may be cited to appear and make such settlements, and such proceedings shall be had in making such settlements, as in cases of settlement by executors, administrators or guardians, and judgment may be rendered thereon, and execution on such decree or judgment.

SEC. 5. *Be it further enacted*, That the same proceedings may be had in all of the courts of this State, as are provided for in sections two and three of this act.

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, reported a substitute for the bill—

To confer jurisdiction on the city court of Selma, in certain cases ;

The substitute was adopted, and read the third time, under a suspension of the constitutional rule, and adopted.

Also, favorably to the bills—

To extend the time in which executors and administrators may declare estates insolvent ;

To declare an amnesty and pardon for offenses committed in certain cases against the laws of the State, prior to 25th day of July, 1865 ;

To construe an act entitled an act to extend the jurisdiction of courts of chancery in the settlement of insolvent estates ;

To confer additional powers on courts of county commissioners in this State ;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the joint rules—

In reference to reporting and signing enrolled bills ;

Which were read the third time, and passed.

Mr. Ferguson, by leave, offered the following resolution ;

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this General Assembly approves the effort making by the University of Virginia to furnish the Southern youth with native text books, and recommend the series aforesaid to the attention of all teachers, and for use in schools throughout the State ;

Which was read one time, and referred to the Committee on Education ;

Mr. McKinstry reported adversely to the bills—

To economize the expenses of the administration of estates ;

To amend section 863 of the Code ;

The report of the committee was concurred in.

Also, favorably to the bill for the relief of receivers of public moneys of the land districts of the State of Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and lost.

Yeas 28, nays 28.

YEAS—Messrs. Speaker, Bethea, Borden, Chapman, Clark of Lawrence, Doster, Ellis, Frazer, Ferguson, Grant, Hare, Hawthorne, Humphrey, Lanier, Lawrence of Cherokee, McAlexander, McCann, McKinstry, McLester, Moore, Odum, Pierce, Pipkin, Patter, Richardson, Whitfield, Woolf, and Worthy—28.

NAYS—Messrs. Callaway, Connelly, Davis of Bibb, Echols, Edwards, Hand, Henry, Lawrence of Fayette, Ledbetter,

Lindsey, Mabry, Malone, Malloy, Manasco, McBee, McCoy of Tallapoosa, Morse, Oliver, Padgett, Plowman, Raisler, Smith of Jackson, Steadham, Thorn, Vansandt, Williams of Randolph, and Willhite—28.

Also, favorably, with a substitute, for the bill—

To prevent hunting on others land without consent ;

Mr. Connelly moved to amend, by excluding the county of Randolph from the operations of the bill ;

On motion of Mr. Malloy, the bill and amendment was laid upon the table ;

Also, favorably to the bill—

To amend section 2875 of the Code ;

On motion of Mr. Echols; the bill was laid on the table.

On motion of Mr. Worthy,

The House adjourned until 9½ o'clock Monday morning.

MONDAY, January 11.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Callaway.

On motion of Mr. Ash, the reading of the journal was disposed with.

On motion of Mr. Davis of Bibb, the vote was reconsidered by which the bill—

To declare an amnesty and pardon for offences committed in certain cases against the laws of the State prior to the 25th of July 1865, was passed.

On motion of Mr. Ferguson, the vote was reconsidered, by which the bill—

To form a new chancery district of the county of Lee, was passed.

On motion of Mr. McKinstry, the order of business was suspended to enable him to introduce two bills—

Mr. McKinstry, a bill to provide for the improvement of the River, Bay and Harbor of Mobile ;

Also, a bill to authorize A. J. Walker, the commissioner to prepare the Code of Alabama, to employ a clerk ;

Mr. Ash, by leave, a bill for the relief of the judges of probate of Jefferson, St. Clair and Shelby counties ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Mabry, by leave, a bill for the relief of John F. Garrett, of the county of Dallas ;

Which was read twice, under a suspension of the constitu-

tional rule, and referred to the Committee on Ways and Means.

Leave of absence was granted Messrs. Tompkins and McCain ;

Mr. Wilhite gave notice that he would move to reconsider the vote which the bill—

For the relief of the receivers of public moneys of the land district of the State of Alabama, was lost.

Mr. Tompkins, by leave, from the Committee on Corporations, reported favorably, with amendment, to the bill—

To incorporate the town of Auburn ;

In section 8, in 6th line of said section, erase after the word “dollars,” the following: “and if the fine imposed be not paid forthwith, the council shall have the power to commit the person so offending to the county jail until said fine is paid,” and insert in lieu thereof, “to be collected as other fines or forfeitures due the State of Alabama ;

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Tompkins, by leave, from the same committee, reported favorably to the bill—

To establish a medical board in the county of Hale ;

To authorize Reuben F. Nix to establish a ferry across the Tallapoosa River ;

To incorporate the Tuskegee Hook and Ladder Company ;

To incorporate the Harmonie Club, of Montgomery, Ala. ;

To amend the charter of the Mobile Exchange and General Insurance Company ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with an amendment, to the bill—

To incorporate the Marengo County Manufacturing Company ;

Amend by erasing the following words, in last of section 6: “And paid in, no more;” also, by adding the following to the last section : “and that the franchises granted under the provisions of this bill shall vest for the term of 25 years from the date of the approval thereof.”

The amendment was adopted, and the bill read the third time, under a suspension of constitutional rule, and passed.

Also, favorably, with the following amendment, to the bill to incorporate the Grand Falls Manufacturing Company :

SEC. 4. *Be it further enacted*, That said stockholders shall be held liable to the full amount of their stock subscribed, and that the franchises granted under the provisions of this char-

ter shall continue for the space of thirty years from the date of the approval thereof,

The amendments were adopted and bill read third time, under a suspension of the constitutional rule, and passed.

Mr. Clark of Mobile, by order, introduced a bill—

To establish a Board of Public Works for the State of Alabama ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. McCoy of Russell, by leave, a bill—

To amend an act entitled an act to incorporate the town of Opelika ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed,

On motion of Mr. Bethea, the bill—

To permanently exempt real and personal property from levy and sale, under any legal process, for the use of families in this State ;

Was made a special order for the hour of 1 o'clock, p. m.

SPECIAL ORDER,

Being the bill—

To establish a system of Internal Improvements in the State of Alabama ;

It was taken up ;

The question being on the adoption of the amendment reported by the Committee.

The amendment was adopted,

Mr. Moore offered the following amendment :

Amend by inserting after the word "thereof," in the third line from the bottom, section 1st : "except as to the Southwestern Railroad Company, of Georgia ;"

Mr. Richardson offered the following amendment to the pending amendment:

Amend by adding the Nashville and Decatur Railroad Company. Adopted.

Mr. Moore's amendment was then adopted,

Mr. Mabry offered the following amendment :

SECTION —. *Be it further enacted*, That the Governor be, and he is hereby required to endorse, in behalf of the State, the bonds of the Selma and Meridian Railroad Company, to the amount of four hundred thousand dollars. The bonds so required to be endorsed shall be in the usual form of railroad

bonds, in such sum, and bearing such rate of interest, and payable at such time and in such place as the said railroad company, through its board of directors, may prescribe; *Provided*, That before the endorsement of said bonds, as above required, the said railroad company shall execute a mortgage to the State upon its entire railroad, with all its locomotives, cars, warehouses, depots, machine shops and other appurtenances of said railroad, with such proper and lawful conditions in the mortgage as the Governor shall prescribe, to secure the payment of the interest and principal of the bonds which shall be so endorsed; *And provided further*, That before the endorsement of said bonds, the Governor shall be satisfied that the property mortgaged, as above provided for, is worth one million of dollars, over and above all its liabilities. Lost.

Yeas, 35; nays, 45.

YEAS—Messrs. Speaker, Ash, Ashford, Bethea, Brooks, Bush, Caffey, Craig, Culver, Davis of Barbour, Davis of Bibb, Echols, Faulk, Frazer, Ferguson, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Mabry, Malone, McCann, McLester, McMillan, Odum, Oliver, Robinson of Baldwin, Seawell, Smith of Jackson, Sturdivant, Waller, Warren of DeKalb, Williams of Jackson and Woolf—35.

NAYS—Messrs. Borden, Bourland, Brandon, Callaway, Clark of Lawrence, Connelly, Dobson, Doster, Edwards, Ellis, Gafford, Gibson, Goldthwaite, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Malloy, Manasco, McAlexander, McBee, McCoy of Russell, McCoy of Tallapoosa, Meadors, Menefee, Morse, Owens, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Chambers, Sheffield, Steadham, Thorn, Vansandt, Walker, Warren of Lawrence, Whitfield, Williams of Randolph, Wilhite and Worthy—45.

Mr. Clarke of Mobile, moved to amend 3d line of section 3, by striking out the word "rock" where it occurs, and insert between the words "of" and "solid," the words "iron or;"

Adopted.

Mr. Clark of Mobile, moved to amend section 3, 7th line, by inserting after the word "foot," the words "if of wood, and one hundred dollars per lineal foot if entirely of iron."

Adopted.

Mr. Clarke of Mobile, offered the following amendment,
Which was adopted:

Add at the end of section 4, "And said first mortgage and the bonds issued thereon, shall have priority in favor of the State, against any and all other liens whatever."

Mr. Clark of Mobile, moved to amend section 8, 11th line,

by striking out the word "shall," and inserting the word "may." Adopted.

Mr. Clarke of Mobile, moved to amend by striking out section 22. Lost.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

YEAS, 75 ; NAYS, 12

YEAS—Messrs. Speaker, Bethea, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Craig, Connelly, Cotten, Culver, Davis of Barbour, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Ferguson, Frazer, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Uabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McKimstry, McMillan, Meadors, Menefee, Moore, Morse, Odum, Owens, Palmer, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Smith of Choctaw, Sturdivant, Vansandt, Walker, Waller, Warrum of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Wilhite and Worthy—75.

NAYS—Messrs. Ash, Bourland, Davis of Bibb, Lindsey, McLester, Oliver, Padgett, Plowman, Smith of Jackson, Steadham, Thorn and Williams of Jackson—12.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

Supplementary to an act in relation to the Insane Hospital, approved January 28th, 1867 ;

To fix and establish the ratio and apportion representatives among the several counties of this State ;

To regulate advancements in the settlement of the estate of deceased persons ;

To change the county lines between the counties of Chambers and Lee ;

In addition and supplemental to an act entitled an act to authorize the Governor to settle with William O. Winston, of DeKalb county, approved January 27th, 1867 ;

To incorporate the Franklin Academy, in Monroe county ;

To incorporate the Selma Hebrew Association ;

To define the powers of the commissioners court of Bullock county ;

To increase the compensation of executors, administrators, guardians and county court commissioners, in Lauderdale county ;

To amend section 8 of an act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved 24th February, 1860 ;

To incorporate the Montgomery Turner Verein, (Montgomery Gymnasium) ;

To authorize William H. Northington, as executor of John D. Fralick, deceased, to purchase real and personal property for the use of said estate ;

To authorize the city of Montgomery to issue twenty-five thousand dollars, to circulate as money in change bills of the denomination from one to five dollars, in lieu of the present outstanding mutilated issue of the city, legalized by an act of the General Assembly of Alabama, approved February 20th, 1860 ;

To incorporate the Mobile Camel Company.

The Senate concurs in the amendments of the House to the Senate bill—

For the relief of defendants in judgments and decrees rendered since the 11th day of January, 1861.

The Senate has passed the House bills—

To re-enact and amend an act to incorporate the Alabama Savings' Bank of Montgomery ;

To authorize the commissioners' court of Lee county to issue treasury notes ;

To define the duties of probate judges in certain cases ;

And has amended by substitute and passed the House bill—

To increase the fees of officers, jurors and witnesses in the counties of Autauga, Greene, Sumter, Marengo, and other counties therein named.

WM. H. GARRETT, Sec'y.

Mr. Mabry, by leave, introduced a bill to aid by State endorsement the Selma and Meridian Railroad Company ;

Which was read the first, second and third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Yeas 67, nays 15.

YEAS—Messrs. Speaker, Bethea, Borden, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotton, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Gibson, Goodwin, Hand, Hare, Hawthorne,

Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Mabry, Malloy, McAlexander, McBee, McCann, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Menefee, Morse, Odum, Owens, Palmer, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Wilbite, Woolf and Worthy—67.

NAYS—Messrs. Bourland, Brandon, Gafford, Ledbetter, Lindsey, Manasco, McCoy of Russell, Meadors, Oliver, Padgett, Plowman, Smith of Choctaw, Steadham, Thorn and Williams of Jackson—15.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably to the joint resolutions in reference to the navigation of the Coosa river ;

Which were read the third time, under a suspension of the constitutional rule, and adopted.

Yeas 56 ; nays 25.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Chapman, Craig, Davis of Barbour, Doster, Echols, Edwards, Ellis, Faulk, Frazer, Ferguson, Goodwin, Grant, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Leeper, Mabry, McAlexander, McBee, McCann, McKinstry, McMillan, Menefee, Moore, Odum, Palmer, Pierce, Pipkin, Plowman, Raisler, Richardson, Robinson of Baldwin, Seawell, Sheffield, Smith of Choctaw, Vansandt, Waller, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Wilbite, Woolf and Worthy—56.

NAYS—Messrs. Connelly, Crenshaw, Culver, Davis of Bibb, Dobson, Gibson, Hand, Ledbetter, Lindsey, Malone, Malloy, Manasco, McCoy of Russell, McCoy of Tallapoosa, Meadors, Morse, Oliver, Owens, Padgett, Robinson of Chambers, Smith of Jackson, Steadham, Thorn, Walker, and Warren of DeKalb—25.

The hour of 1 o'clock having arrived, the House proceeded to consider the bill to permanently exempt real and personal property from levy and sale under any legal process for the use of families in this State.

Mr. Palmer offered the following amendment by way of engrossed rider :

Provided, That the provisions of this act shall not operate as a bar to the collection of debts contracted since 25th July, 1865 ;

Lost.

The bill was then read the third time and passed.

Yeas 53 ; nays 34.

YEAS—Messrs. Speaker, Bethea, Bourland, Brooks, Caffey, Clark of Lawrence, Clark of Mobile, Cotten, Craig, Culver, Davis of Barbour, Davis of Bibb, Echols, Edwards, Frazer, Ferguson, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Manasco, McCoy of Russell, McCoy of Tallapoosa, McKinstry, Meadors, Morse, Odum, Padgett, Pierce, Plowman, Raisler, Richardson, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Smith of Jackson, Thorn, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—53.

NAYS—Messrs. Ash, Borden, Callaway, Chapman, Connelly, Dobson, Doster, Ellis, Faulk, Gafford, Goldthwaite, Grant, Hand, Leeper, Lindsey, Malone, Malloy, McAlexander, McBee, McCain, McLester, McMillan, Moore, Oliver, Owens, Palmer, Pipkin, Potter, Robinson of Baldwin, Steadham, Walker, Warren of DeKalb, Whitfield and Wilhite—34.

Mr. Richardson, from a Select Committee, submitted the following report :

Your special committee, appointed for the purpose of ascertaining and reporting back to the House such information as may be acquired upon points submitted for their consideration, to-wit : "What amount of the three per cent. fund of this State, or any other fund has been appropriated to the Tenn. & Ala. Central Railroad Company ; how much received by said company ; how much expended, and what for ; how much stock has been subscribed to said company ; how much paid in, and how expended ; how much land has been donated to said company, and what disposition has been made of it ; what are the probabilities of the company completing the road, and whether the said three per cent. fund, or any other fund of the said land, if any, has been appropriated, can properly be applied to cleaning out the Coosa river, and rendering it navigable"; after having maturely considered and investigated, as far as practicable, the entire matter referred to them, beg leave to submit the following report as the result of that study and attention which they have given the subject. Your committee, by reference to "an act entitled an act to loan and appropriate the three per cent. fund and its interest, approved February 16, 1860," learned that the amount of this fund, including principal and interest, was eight hundred and fifty-eight thousand four hundred and ninety-eight dollars, (\$58,498 00) which

has been, as necessity and circumstances required, loaned to the different railroads of this State.

We further ascertain from the above mentioned act, that the sum of one hundred and seventy-three thousand, nine hundred and forty dollars, (\$173,940 00,) a part of this three per cent. fund, and its interest, was loaned to the Tennessee and Alabama Central Railroad company, by certain installments, as prescribed by the act of appropriation, to-wit: To be paid in six semi-annual installments, of fifteen thousand, seven hundred and twenty-eight dollars (\$15,728 00) each, for the first three years, and in four semi-annual installments of nineteen thousand, eight hundred and ninety-three dollars (\$19,893 00) each, for the next two succeeding years, so as to make in all ten semi-annual installments, extending through five years, commencing with and computing from first installment.

And it is proper here for your committee to refer and direct attention to an act approved February 20, 1866, proposing to extend the indebtedness of the railroad companies in this State, incurred under the provisions of an act to loan and appropriate the three per cent. fund and its interest, approved February 18, 1860, or any act amendatory thereof.

This act provides for the payment to the Tennessee and Alabama Central Railroad company, if before the expiration of five years, said company, shall, under the provisions of this act, become entitled to demand and receive the appropriations made by said original act from its three per cent. fund and its interest, etc.

Your committee was further directed to ascertain how much of the three per cent. fund has been received by said company, and we report that—

Upon an examination of proceedings, of the annual meeting of the stockholders, we find that the amount received of the three per cent. fund, is one hundred and nine thousand, two hundred and eighty dollars and sixty-five cents, (\$109,280 65) but it is impracticable to ascertain at this time as to how much of the fund is expended, and for what purpose. We are prevented from acquiring satisfactory information on these points, for the reason that the exigencies of the times, the losses sustained by the company, resulting from the war, has necessitated the expenditure of money for repairs, in so many ways that it would be impossible to trace out this identical fund. Through the pressing necessities of the company, much expense was incurred in the repairs made necessary by the destruction of property by the Federal troops, during the war, and it is more than reasonable on the part of your committee.

to presume that a part of the three per cent. fund received by the company was at least partly expended for those purposes.

The amount of capital stock subscribed to said company is one million, one hundred and ninety-four thousand, one hundred and fifty dollars, (\$1,194,150 00,) out of which one million, one hundred and thirty-five thousand three hundred and thirty-nine dollars and forty-four cents, (\$1,135,339 44) has been paid in.

The lands inuring to the company for the proportion of work done by the company, amounts to more than one hundred and thirty-six thousand acres.

Your committee was further directed to inquire into the probability of the company completing the road. We have made strict inquiry into all matters pertaining to the progress and completion of the road, and it is our opinion, considering the embarrassing circumstances surrounding all enterprises of this character at a time like this, when the pecuniary distress of the State and country are so great, that the completion of the road is as practicable and as probable as we could reasonably expect at this time. Energy and zeal is evinced on the part of those under whose control it is placed; and predicated our opinion upon the skill, ability and prudence which has maintained the organization of the company through the several tests and multiplied embarrassments, we have reason to believe that the enterprise will soon be successfully carried out to the entire satisfaction of the State.

Your committee was further directed to report whether it was legitimate and practicable for any part of the above mentioned three per cent. fund of this State, or whether any other fund, could be loaned and used for the purpose of clearing out Coosa river, and render it navigable.

It is our opinion, after an examination of all the enactments relative to the donation and government of this fund, that it is properly classified with the vested rights of the company, and as such cannot be withdrawn and applied to another purpose.

Your committee is unable to suggest the appropriation of any other fund, belonging to the State of Alabama, for the purpose designated, for we are aware that steps have been taken by our Legislature, looking to the rendering of the Coosa river navigable, and any further recommendation on this point we deem unnecessary.

We therefore, ask to be discharged from the further consideration of the subject submitted for our investigation.

EVENING SESSION, 3½ o'clock, p. m.
The House met pursuant to adjournment.

SPECIAL ORDER.

Being the adverse report of the Committee on Federal Relations to the joint resolutions memorializing Congress to pass an act establishing a uniform system of bankruptcy;

It was taken up, and on motion of Mr. Morse, the further consideration of the report was postponed, to enable the Judiciary Committee to report.

Mr. Tompkins, by leave, submitted the following protest:

Which was ordered to be spread upon the journals.

Mr. Speaker:

Having been absent from my seat (by leave of the House, on account of indisposition), at the time of the passage of the bill known as "the bill to establish a system of internal improvements in the State," I was precluded from recording my vote, with my reasons for the same, against its passage. I now ask leave to avail myself of the privilege guaranteed me as a member of this Assembly, to record my protest against the passage of a measure which, in my judgment, if practically beneficial to the railroad interest of Alabama, is calculated to embark the State into a species of speculation far too hazardous to justify its adoption at this time. I protest against the passage of the bill.

JOHN R. TOMPKINS.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably to the bill to authorize the court of county commissioners of Macon county to issue bonds;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill for the relief of St. Clair county;

Which was read the third time, under a suspension of the constitutional rule, and

Mr. Menefee offered the following amendment by way of engrossed rider:

"Provided, That the provisions of this act shall apply to all counties in this State;"

Which was lost.

The vote being taken upon the passage of the bill, it was lost, there not being a two-third vote.

Mr. Smith of Choctaw, from the same committee, made the following report on the bill for the relief of Cornelia A. Nall,

of the county of Choctaw, and sundry amendments to said bill:

1st. Poligamy is a crime, and it is not the policy of the State to give encouragement to it, by remitting the penalties which the law justly imposes upon it. The good of society demands the most rigid scrutiny into the facts of each case presented for legislative relief. It is therefore inexpedient to pass a general bill releasing all persons from the penalties of so grave an offence.

Your committee have not been placed in possession of any facts which justify or extenuate in the case of Nancy Lusk of Jackson county, or Lewis Davis of the same county, or of Elizabeth Morris of Walker county, or of Azariah Cobb of Jackson county, or of David Berry of Jackson county, or of Angeline P. Brock of DeKalb, nor of T. M. Perry of Clarke county;

They therefore report adversely to the bill so far as it relates to them, and recommend that it do not pass.

Your committee have carefully considered the facts in relation to the claim for relief of Cornelia Ann Nall of the county of Choctaw, and recommend that as to her the bill pass.

Mr. Manasco moved to lay the report and bill on the table; Which was lost.

Mr. Cooper moved to concur in the report of the committee, with the exception of Elizabeth Morris of Walker county;

Mr. Sheffield moved to amend the motion by excepting the name of E. Morris of Marshall county;

Which were adopted.

Mr. Cooper's motion was then carried, and the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Meadors, from the same committee, reported favorably to the bill for the relief of Mary Jane Jones, of Sumter county;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the Senate bills—

To amend section 541 of the Penal Code;

For the protection of executors, administrators and guardians in Bibb county;

To legalize a certain guardianship therein named, and certain sales therein named, made by the guardian;

To prohibit the sale of spirituous or vinous liquors within two miles of the factory of Gibson, McDaniel & Co., in Tuscaloosa county;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with the following amendment to the Senate bill—

To declare judgments' liens upon the property of defendants;

Provided, That the lien shall extend only to property in the county where the judgment was rendered, and in the county where it is recorded in the office of the probate court.

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed

Also favorably, with the following amendment to the Senate bill,

For the allowance of offsets in certain cases where statute of limitation is pleaded ;

Strike out all after the words "a set-off," in the fifth line of the 1st section, and insert: "Where such set-off was a legal subsisting claim at the time the right of action accrued to the plaintiff on the claim sued on."

Amendment adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bill—

To authorize H. J. Askew, of Marengo county, as administrator of Dr. W. Woolf, to sell or rent certain lands privately;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with the following amendment, to the Senate bill—

To authorize Mrs. A. M. Carleton to invest the money of certain wards ;

Provided, That the sureties on the said guardian's bond shall assent thereto in writing, and the action of said guardian shall be approved by the judge of probate of Clarke county.

The amendment was adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bills—

To amend section 3d of an act to amend the laws regulating the settlement of estates of deceased persons, approved February 5th, 1858 ;

For the relief of Caledonia Greene, of the county of Calhoun, and permit her to marry ;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Mr. Worthy, from a select committee, reported adversely to the Senate bill—

To authorize the removal of the administration of the estate of B. J. West, deceased, from the probate court of Pike county to the probate court of Butler county.

Report of committee concurred in.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably, with the following amendment, to the Senate bill—

To authorize the court of probate of Montgomery county to appoint a special administrator on the estate of Jacob T. Bradford, for the special purpose of prosecuting a suit pending in the circuit court of Montgomery county, of said Jacob T. Bradford *vs.* John G. Winter ;

Provided. That he shall first pay the claims of creditors of said deceased.

On motion of Mr. McCann, the bill, with the report, was laid on the table.

Message from the Senate.

Mr. Speaker :

The Senate has amended, as therein shown, and passed the House bill, to make R. B. Colvin, C. W. Cottingham and T. L. Cottingham, (liners between Lowndes and Crenshaw counties) citizens of Lowndes county.

WM. H. GARRETT, Secretary.

On motion of Mr. Smith of Choctaw,

The House adjourned until 9½ o'clock to-morrow morning.

TUESDAY, February 12.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

The journal of the 8th instant was read and approved.

On motion of Mr. Gibson, the further reading of the journal was dispensed with.

Leave of absence was granted Messrs. Malloy, Steadham and Menefee.

Mr. Clark, of Mobile, offered the following resolution,

Which was adopted :

Resolved, That the Senate be requested to return the engrossed bill to establish revenue laws for the State of Alabama, back to the House for correction.

Mr. McKinstry, from the Judiciary Committee, reported favorably to the Senate bills—

To extend the time for reporting estates insolvent ;

To authorize the issuance of executions on certain judgments without a revival ;

To require sheriffs and other officers selling lands to make titles or deeds thereto ;

To construe an act entitled an act to regulate judicial proceedings, approved — 20th, 1866 ;

To amend section 6 of an act entitled an act to regulate judicial proceedings, approved January 20th, 1866 ;

To define the powers of the justices of the peace in the counties of Dallas, Pickens and other counties, approved February 23d, 1866, so far as it applies to Montgomery and Tuscaloosa counties ;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the same committee, reported favorably to the following bills—

To amend an act entitled an act to authorize the substitution of lost records of judgments and decrees of courts and other records ;

To authorize proper proof where United States revenue stamps have once been placed on process deeds, and conveyances ;

To authorize attorneys to administer oaths ;

To give the probate court authority to grant guardians permission to hire labor, &c., and carry on the plantations and cultivate the lands of wards ;

To amend sections 1543 and 1544 of the Code of Alabama ;

For the relief of William Watson ;

To enforce liens of judgments ;

To provide the mode of giving constructive notice of a motion to enter satisfaction of judgments, or set aside such entries where the party removed from, or resides outside of the State ;

To amend section 1642 of the Code of Alabama ;

To require the judges of the court of probate of the State to keep an account of the fees accruing to sheriffs ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed ;

Also, favorably to the bill for the relief of widows and orphans in certain cases.

Mr. Worthy moved to lay the bill and report on the table ;
Lost.

The bill was then read a third time, under a suspension of the constitutional rule, and passed ;

Also, favorably to the bills—

To amend an act to authorize certain settlements in the probate courts of this State, approved December 9th, 1861.

To amend an act entitled an act for the relief of defendants in judgments rendered upon contracts made between the 1st of September, 1861, and the 1st of May, 1865 ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Smith of Choctaw, moved to reconsider the vote by which the bill, for the relief of St. Clair county, was lost ;

Which was carried.

Mr. Smith of Choctaw, from the Judiciary Committee, reported a substitute for the bill—

To amend an act concerning vagrants and vagrancy, approved December 18th, 1865 ;

On motion of Mr. Brooks, the substitute and report were laid on the table ;

Mr. McKinstry, from the same committee, reported favorably, with an amendment, to the bill—

To guard against fire on steamboats and railroads ;

And on motion of Mr. Tompkins, the bill was laid on the table.

Message from the Senate :

Mr. Speaker :

The Senate herewith returns the bill to establish Revenue Laws of this State, in accordance with the request of the House.

W. H. GARRETT,
Secretary.

Mr. Whitfield, from the Committee on Ways and Means, reported the following bill—

To authorize re-assessments of taxes in certain cases ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the Judiciary Committee, reported favorably to the bill—

To amend an act to define the powers of justice of the peace in the counties of Dallas, Pickens and other counties ;

The bill was amended, by adding the counties of Coosa, Elmore, Sumter, Barbour, Dale and Russell ;

And, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bills—

For the relief of Eddy Ann Henry, of Talladega county ;

To prohibit the holding of public markets and trading therein on Sunday ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate :

Mr. Speaker :

The Senate has adopted the following resolution :

Resolved, (the House of Representatives concurring,) That the concurrent resolution of the two Houses for adjournment *sine die* on Thursday, the 14th inst., be rescinded, and that the two Houses will adjourn on Monday, the 18th.

Mr. McKiustry, from the Committtee on the Judiciary, reported adversely to the following bills—

To increase the powers of chancellors in this State ;

To amend section 787 of the Penal Code ;

To authorize and enable the judge of the 1st judicial circuit of this State to preside in and hold the city court of Selma ;

To change the name of Mrs. James H. Boaz ;

Making it the duty of the court, on failure of prosecutor to sustain prosecution, to tax said prosecutor with cost ;

To define the duty of certain officers, and for other purposes ;

For the relief of Gary Sims, a citizen of Greene county ;

To authorize the settlement of administration of deceased executors, administrators and guardians, and to determine the liability of executors, administrators and guardians, and their securities, and the means and mode of enforcing the same ;

To re-enact and put in full force section 630 of the Code of Alabama ;

To repeal section 460 of the Penal Code of the State of Alabama ;

To regulate the trials of right of property ;

For the relief of J. J. Taylor of the county of Elmore ;

To amend sections 387, 388, 389, 390 and 391, of the Penal Code ;

To authorize the tax collector of Limestone county to withhold the taxes for the year 1866 from the State Treasury ;

To authorize the tax collector of Randolph county to appoint deputies in certain cases.

The reports of the committee were severally concurred in; Also, adversely to the bills—

For the relief of D. G. Crowder, of the county of Randolph.

On motion of Mr. Connelly, the report of the committee was laid on the table, and

On motion of Mr. Worthy, the bill was referred to the Committee on Local Legislation.

Message from the Senate.

Mr. Speaker :

The Senate concurs in the amendment of the House to the Senate bill, to establish a system of internal improvements in the State of Alabama.

The Senate has originated and passed the following bills—

To encourage agriculture by securing laborers in their hire;

To incorporate the Montgomery Gymnasium;

For the relief of James Allen, of the county of DeKalb;

To authorize the commissioners court of Morgan county to compensate Samuel Hamilton, late clerk of the circuit court of said county;

To remove the administration of the estate of Phillip J. Weaver, jr., from the probate court of Marengo county, to the probate court of Dallas county;

To encourage agriculture;

To authorize the construction of street railroads in the city of Montgomery;

To divide the State into six congressional districts.

Mr. McKinstry, from the Committee on the Judiciary, reported adversely to the bills—

To compensate circuit clerks in certain cases;

To exempt property from levy and sale upon contracts prior to May 5th, 1865;

To define more definitely the duties of county solicitors of the several counties of this State;

Authorizing judges of probate to issue executions for costs;

The more effectually to quiet and prevent taking possession by fraud or violence, and to insure the return of property hired or loaned, at the expiration of the time for which the same was hired or loaned, and to provide a summary remedy for the possession thereof;

In relation to the custody of the children of persons of color in cases of voluntary separation of husband and wife;

The reports of the committee were severally concurred in;

Also, adversely to the joint resolutions proposing to alter the seal of the State ;

The report was concurred in ;

Also, adversely to the bill for the relief of executors, administrators and guardians ;

Mr. Hare moved to lay the report on the table ;

Which was lost.

The report was then concurred in.

SPECIAL ORDER,

Being the bill to provide for the location of the court house in Russell county ;

The bill was taken up, and

Mr. McCoy of Russell, offered an amendment, by way of substitute ;

Which was lost.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

GENERAL ORDERS.

The bill to repeal certain acts to amend the charter, and fix the eastern boundary of the city of Montgomery ;

Was read the third time, and passed.

On motion of Mr. Ferguson, the bill to provide the mode of vacating the charters of railroad companies in this State, was made the special order for Wednesday next, at the hour of 10 o'clock.

Mr. Walker moved to take from the table the Senate bill to provide blank books for records in Conecuh, Fayette and Jackson counties ;

Which was carried.

The bill was then taken up and read the third time, under a suspension of the constitutional rule, and passed.

Yeas, 69 ; nays, 9.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Gaffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Craig, Crenshaw, Culver, Doster, Echols, Ellis, Faulk, Frazer, Ferguson, Gafford, Gibson, Goldthwaite, Grant, Hand, Hare, Henry, Humphrey, Lanier, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McKinstry, McLester, Meadors, Moore, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Potter, Raisler, Richardson, Robinson of Chambers, Seawell,

Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Walker, Waller, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—69.

NAYS—Messrs. Dobson, Edwards, Lindsey, McCann, McCoy of Russell, McCoy of Tallapoosa, Oliver and Vansandt—9.

On motion of Mr. Tompkins,

The Senate resolution rescinding the concurrent resolution of the House, for an adjournment *sine die*, on Thursday, the 14th inst., and setting Monday, the 15th inst.,

Was taken up, and

Mr. Walker moved to postpone the further consideration until Thursday ;

Which was lost.

A division of the question being called for,

The vote being first taken on rescinding the concurrent resolution for an adjournment on the 14th inst.,

It was carried, and

On motion of Mr. Grant,

The further consideration of the resolution was postponed until Monday next.

The bill—

For the relief of St. Clair county ;

Was taken up, and

The question being on its passage, it was passed ;

Yeas 75, nays 3.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Edwards, Ellis, Faulk, Ferguson, Gafford, Gibson, Goldthwaite, Grant, Hand, Hare, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCann, McKinstry, McLester, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Potter, Raisler, Richardson, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—75.

NAYS—Messrs. Frazer, Lindsey, and McCoy of Russell—3.

SPECIAL ORDER,

Being the Senate bill—

To change the time for the election of members of Congress from this State;

It was taken up, and Mr. Sheffield moved to amend by striking out "April" and inserting "May ;"

Which was adopted.

On motion of Mr. McAlexander, the bill was laid on the table.

Yeas 55 ; nays 21.

YEAS—Messrs. Bethea, Bourland, Caffey, Callaway, Clark of Lawrence, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Faulk, Gafford, Hand, Hare, Henry, Humphrey, Lawrence of Fayette, Lindsey, Mabry, Malone, Malloy, Manasco, McAlexander, McBee, McCoy of Tallapoosa, McKinstry, McLester, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pierce, Pipkin, Raisler, Richardson, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Steadham, Sturdivant, Thorn, Tompkins, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Wilhite, and Woolf—55.

NAYS—Messrs. Speaker, Brandon, Clark of Mobile, Doster, Edwards, Frazer, Gibson, Goldthwaite, Grant, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, McCann, McCoy of Russell, Meadors, Moore, Potter, Waller, Williams of Randolph, and Worthy—21.

On motion of Mr. Echols, the House adjourned until 9½ o'clock p. m..

EVENING SESSION, 3½ o'clock p. m.

The House met pursuant to adjournment.

Mr. Meadors, by leave, introduced a bill to authorize George H. Winston, of the State of Georgia, one of the executors of the will of William B. S. Gilmer, to execute the will in this State ;

Also, a bill to increase the fees of all civil officers in the county of Elmore ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and passed.

Also, a bill to incorporate the Washington Fire and Marine Insurance Company of Mobile ;

Which was read twice, under a suspension of the constitutional rule, and

Mr. Worthy moved to lay the bill on the table ;

Which was lost.

The bill was then referred to the Committee on Corporations..

Mr. Cooper, by leave, (Mr. Gibson in the chair,) a bill supplemental to an act entitled an act to incorporate the Coosa and Chattooga River Railroad Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements, with instructions to report to-morrow morning.

Mr. Cooper, (Mr. Gibson in the chair,) also introduced a joint resolution to authorize the Governor to appoint a commission to collect, and embody true and reliable information of the climate, soil, agricultural, manufacturing, mineral and commercial resources and capacities, the social status and educational facilities of Alabama, with homestead and exemption laws ;

Which was read the first and second times, under a suspension of the constitutional rule, and

Mr. Cooper moved to amend by proviso, that the same can be done without charge upon the State treasury ;

Mr. Echols moved to amend the amendment by adding the words "now or hereafter ;"

Which was lost.

Yeas 28 ; nays 36.

YEAS—Messrs. Crenshaw, Doster, Echols, Faulk, Goldthwaite, Grant, Hardie, Ledbetter, Leeper, Malone, Malloy, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, Meadors, Morse, Oliver, Padgett, Pipkin, Smith of Jackson, Steadham, Whitfield, Williams of Jackson, Willhite and Worthy—28.

NAYS—Messrs. Speaker, Ash, Bethea, Bourland, Davis of Barbour, Ferguson, Frazer, Gafford, Gibson, Godwin, Hand, Hare, Lanier, Lawrence of Cherokee, Mabry, McAlexander, Manasco, McLester, McMillan, Moore, Odum, Owens, Palmer, Pierce, Potter, Raisler, Richardson, Seweall, Sheffield, Thrasher, Thorn, Vansandt, Walker, Waller, Williams of Randolph, and Woolf—36.

Mr. Cooper's amendment was then adopted.

Mr. Padgett moved to lay the amendment on the table ;

Which was lost.

Yeas 31 ; nays 49.

YEAS—Messrs. Bethea, Borden, Bourland, Crenshaw, Davis of Bibb, Dobson, Echols, Ellis, Henry, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Malloy, McBee, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Oliver, Padgett, Palmer, Pipkin, Smith of Jackson, Steadham, Walker, Whitfield, Willhite and Worthy—31.

NAYS—Messrs. Speaker, Ash, Brandon, Brooks, Caffey, Callaway, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Davis of Barbour, Doster, Edwards, Faulk, Frazer, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hardie, Hare, Humphrey, Lanier, Lawrence of Cherokee, Malone, Manasco, McAlexander, McCain, McKinstry, McMillan, Moore, Morse, Odum, Owens, Pierce, Potter, Raisler, Richardson, Seawell, Sheffield, Sturdivant, Thorn, Vansandt, Waller, Williams of Jackson, and Williams of Randolph—49.

Mr. Cooper moved to reconsider the vote by which the amendment was adopted;

Which was lost.

The resolutions were then ordered to be engrossed for a third reading on to morrow.

Yeas 48 ; nays 30.

YEAS—Messrs. Speaker, Ash, Bourland, Brandon, Brooks, Caffey, Callaway, Clark of Lawrence, Davis of Barbour, Doster, Edwards, Ellis, Frazer, Ferguson, Gafford, Gibson, Goodwin, Hand, Hardie, Hare, Humphrey, Lanier, Lawrence of Cherokee, Malone, Malloy, McAlexander, McCain, McCann, McKinstry, McMillan, Moore, Morse, Odum, Potter, Raisler, Richardson, Seawell, Sheffield, Smith of Jackson, Sturdivant, Vansandt, Walker, Waller, Williams of Jackson, Williams of Randolph—48.

NAYS—Messrs. Bethea, Borden, Connelly, Crenshaw, Davis of Bibb, Dobson, Echols, Goldthwaite, Grant, Henry, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, Manasco, McBee, McCoy of Russell, McCoy of Tallapoosa, Meadors, Oliver, Palmer, Padgett, Pierce, Steadham, Thorn, Whitfield, White, Woolf and Worthy—30.

Mr. Borden gave notice that he would move to reconsider the vote by which the Senate resolution for adjournment was postponed until Monday next.

Mr. Manasco, by leave, introduced a bill—

For the relief of Henry Morris, of Walker county ;

Which was read twice, under a suspension of the constitutional rule, and

Mr. Manasco moved to suspend the rule, to give the bill a third reading forthwith ;

Which was lost.

The House refused to refer the bill, and the bill was lost.

Mr. Sheffield, from the Committee on Apportionment, reported a bill—

To lay off the State of Alabama into six Congressional districts ;

Which was read the first, second and third time, under a suspension of the constitutional rule, and passed.

Mr. McKinstry, from the Committee on the Judiciary, reported favorably to

The Senate bill—

For the relief of Thomas C. Tartt, of Sumter county;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, adversely to the Senate bill—

To repeal an act entitled an act to allow creditors without liens to file bills for the collection of debts in certain cases, approved Feb. 24th, 1860;

The report of the committee was concurred in.

On motion of Mr. McCoy, of Tallapoosa,

The House adjourned until 9½ o'clock to-morrow morning.

—

WEDNESDAY, February 13

The House met pursuant to adjournment.

Prayer by Rev. Mr. Potter.

On motion of Mr. McKinstry,

The reading of the journal was dispensed with.

On motion of Mr. McKinstry, the vote was reconsidered by which the bill to repeal an act entitled an act to define the powers of the justices of the peace in the counties of Dallas, Pickens and other counties, approved February 23d, 1866, so far as it applies to Montgomery and Tuscaloosa counties, was passed;

The bill was recommitted by the Committee on the Judiciary.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported adversely to the Senate bill to change the boundary line between the counties of Bibb and Autauga;

Report concurred in;

Also, a substitute for the bill to change the line between the counties of Elmore and Coosa, and to declare persons therein named to be citizens of Elmore county;

The substitute was adopted, and read three times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

Also, favorably to the Senate bill to alter the boundary line between Dallas and Perry counties, and to annex a portion of Perry to Dallas county.

On motion of Mr. Sturdivant, the further consideration of the bill was postponed until to-morrow at 12 m.

Also, a substitute for the bill to change the boundary line between the counties of DeKalb, Marshall and Baine ;

The substitute was adopted, and was read three times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

Mr. Caffey, by leave. introduced a bill for the protection of mechanics and laborers ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

The House concurred in the Senate amendment to the bill to provide for the adoption, printing and distribution of the Revised Code of Alabama.

Mr. Leeper, from the Committee on Internal Improvements, reported favorably to the bill to establish a board of public works for the State of Alabama ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Yeas, 50 ; nays, 23.

YEAS—Messrs. Speaker, Ash, Bethea, Bourland, Brooks, Caffey, Clark of Lawrence, Clark of Mobile, Cox, Culver, Davis of Barbour, Dobson, Echols, Ellis, Faulk, Ferguson, Gafford, Gibson, Goodwin, Grant, Hare, Hawthorne, Henry, Lawrence of Fayette, Leeper, Mabry, Malone, Malloy, McAlexander, McKinstry, McMillan, Meadors, Odum, Palmer, Pipkin, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Thorn, Tompkins, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Woolf and Worthy—50.

NAYS—Messrs. Brandon, Callaway, Cotten, Davis of Bibb, Lawrence of Cherokee, Ledbetter, Lindsey, Manasco, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Morse, Oliver, Padgett, Smith of Jackson, Vansandt, Walker, Williams of Jackson, Williams of Randolph and White—23.

Message from the Senate.

Mr. Speaker :

The Senate concurs in the House amendments to the Senate-bills—

To add a portion of the county of Cleburne to Talladega county ;

To authorize John Whiting, commissioner and trustee, to make a deed to Isaac E. Young;

To charter a ferry across Coosa river, near Cedar Bluff, in Cherokee county;

To incorporate Montgomery Water-Works Company for the city of Montgomery;

The Senate disagrees to the House amendment to the Senate bills—

To authorize a chancery district of certain counties therein named;

To provide for the permanent location of the court house in Choctaw county;

The Senate has amended the House amendment to the Senate bill;

To encourage sheep raising in this State;

And as amended, concurs in the same.

The Senate has originated and passed the following bills:

To provide for the adjustment of the indebtedness of the county of Franklin between that county and the county of Colbert;

To attach the counties of Baine, Cleburne and Clay to the 35th, 36th and 37th chancery districts, Northern Chancery Division;

To amend an act to authorize the probate judge of Pike county to grant letters of administration on the estate of Homer V. Howard to Elizabeth G. Howard;

To compensate sheriffs and coroners in levying attachments where the cases are settled or property replevied;

To create a new chancery district, and to regulate the holding of chancery courts in certain districts;

In relation to appeals from probate courts;

The Senate has passed the following House bills:

To amend an act to prevent the sale of spirituous liquors in quantities less than one gallon, within 3 miles of Danville, in Morgan county;

To repeal an act establishing the city court of Eufaula;

To change the boundary line between the counties of Lee and Tallapoosa;

To provide for the improvement of the River, Bay and Harbor of Mobile;

To lay off the county of Dale into four commissioners districts;

To authorize the construction of a railroad between Gainesville and Eutaw, and a connection between the roads at those points;

For the relief of Thomas G. Cole, of the county of Choctaw;

To amend the charter of the Commercial Savings Company, of Mobile, approved February 23, 1866;

Prohibiting judges of this State from practicing law in this State;

In relation to the competency of witnesses;

To create an additional term of the chancery court for the 38th chancery district of the Northern Chancery Division, composed of the county of St. Clair;

To renew the charter of the Southwestern Railroad Company, granted in 1857 and 8, to extend their road across the State of Alabama, from Franklin on the Chattahoochee to Mobile;

To incorporate the Selma Cotton Press Company;

For the relief of John D. Leverett of the county of Chambers;

To authorize A. S. Nelson, guardian of Carrie N. Goree to make such contracts as may be necessary to secure the cultivation of his ward's estate;

To prohibit the sale of intoxicating liquors within certain limits in the county of Limestone;

To authorize Jesse S. Ware, administratrix of the estate of James A. Ware, deceased of Montgomery county, to sell personal property, and rent the estate at private sale;

To require probate judges to make quarterly settlements with the county treasurers;

Regulating proceedings in the probate court of Madison county;

To incorporate "The Commercial Iron Works Company," and to grant said company certain privileges therein specified;

To amend the charter and to fix the Eastern boundary of the city of Montgomery;

To prohibit the sales of spirituous liquors within five miles of Cahaba Cole Mines in Shelby county, Alabama;

To incorporate the Sipsey Falls Manufacturing Company;

To prohibit the sale of spirituous liquors within five miles of the Harmony Church, in Shelby county;

To amend the charter of the Factors' and Grocers' Marine and Fire Insurance Company, approved Dec. 4, 1863;

To incorporate the Fireman's Club of Mobile;

For the relief of James B. Farmer, late sheriff of Calhoun county;

The Senate has amended, as therein shown, and passed the following House bills:

To provide for the compensation of grand and petit jurors, and court of county commissioners, of the different counties in this State ;

For the relief of the present judges of probate of Jefferson, St. Clair, Shelby and Russell counties ;

To repeal an act to prohibit the sale of spirituous liquors at sundry places in Marengo county.

W. H. GARRETT, Secretary.

Mr. Morse gave notice of a motion to reconsider the vote, by which the bill—

For the relief of Henry Morris, of Walker county,
Was lost, on yesterday.

Message from the Senate ;

Mr. Speaker :

The Senate concurs in the House amendment to the resolution of the Senate rescinding the adjournment resolution.

W. H. GARRETT, Secretary.

SPECIAL ORDER.

The bill—

To provide the mode of vacating the charters of railroad companies of this State,

Was taken up, and

Mr. Ferguson moved to amend by adding after the word corporation, in the 2d line, of 5th section, the words: "in such sum as the jury may assess"; and adding after the word company, in the 4th line of said section, the words: "unless the amount of damages assessed be paid within thirty days from the date of the judgment ;

Adopted.

Mr. McCoy of Russell, moved to amend by striking out the 3d section ;

Lost.

Mr. Grant moved to amend the amendment by striking out all after the enacting clause ;

Lost.

Yeas 13, nays 66.

YEAS—Messrs. Bethea, Bourland, Clark of Mobile, Craig, Doster, Ellis, Grant, Hare, Lindsey, Mabry, McBee, McCoy of Russell, and McLester—13.

NAYS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Connelly, Cotten,

Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper. Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Thrasher, Thorn, Vansandt, Walker, Waller, Warren of DeKalb, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—66.

Mr. Hare moved to lay the bill and amendment on the table; Which was lost:

Yeas 21, nays 65.

YEAS—Messrs. Bethen, Bourland, Clark of Mobile, Craig, Doster, Ellis, Grant, Hare, Henry, Humphrey, Lindsey, Mabry, McAlexander, McBee, McCoy of Russell, McLester, Pierce, Pipkin, Tompkins, Whitfield and Worthy—21.

NAYS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hawthorne, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malone, Malloy, Manasco, McCain, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Thrasher, Thorn, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite and Woolf—65.

The bill, as amended, was read the third time, under a suspension of the constitutional rule, and passed.

Yeas, 63; nays, 16.

YEAS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Connelly, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ferguson, Gafford, Gibson, Goodwin, Hand, Hawthorne, Henry, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malone, Malloy, Manasco, McAlexander, McCain, McCann, McCoy of Tallapoosa, McKinstry, McMillan, Meadors, Moore, Morse, Odum, Oliver, Owens, Palmer, Padgett, Pipkin, Plowman, Potter, Raisler, Richardson Robinson of Baldwin, Robinson of Chambers, Smith of Jackson, Thrasher, Thoru, Vansandt, Walker, Warren of DeKalb, War-

ren of Lawrence, Williams of Jackson, Williams of Randolph, and Willhite—63.

NAYS — Messrs. Bethea, Clark of Mobile, Craig, Doster, Grant, Hare, Humphrey, Lindsey, Mabry, McBee, McCoy of Russell, McLester, Pierce, Smith of Jackson, and Woolf—16.

Message from the Governor.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House :

To authorize persons to keep and use skiffs or other crafts therein named, for carrying foot passengers across the Black Warrior River, opposite the city of Tuscaloosa ;

To re-enact and amend an act entitled an act to incorporate the Alabama Savings Bank of Montgomery ;

To authorize the commissioners court of Montgomery county to levy a special tax ;

To repeal an act authorizing the sale of vinous or spirituous liquors in the town of Haw Ridge, in Dale county ;

To authorize the probate court of Russell county to grant an application of Mrs. M. E. Whitaker for dower ;

To authorize the executor of N. E. Croom, and the administratrix of the estate of Bryan Croom, of Sumter county, to make land titles ;

To regulate the powers of the probate courts of this State, in reference to the sale of lands ;

To revise judgments in certain cases ;

To prevent trespass by camp-hunting in Randolph county ;

To amend section 2275 of the Code, so that interpreters may be paid ;

To secure to the State of Alabama the benefits of an act of Congress donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts ;

To incorporate the Montgomery and Pickett Springs Gravel Road Company ;

To authorize the commissioners court of the county of Elmore to issue treasury notes to pay for the building of bridges, a jail and court house, and other purposes ;

To authorize the court of county commissioners of Dallas county to issue bonds ;

To require the payment of the State and county tax on licenses granted by the Mayor and Aldermen of the city of

Huntsville, to be made to the judge of probate of the county of Madison ;

To authorize Baylis E. Bourland, administrator of the estate of Terry Bradley, deceased, to sell the real estate of his intestate privately ;

For the relief of Mary T. Jones, of Tuscaloosa county.

SAMUEL H. DIXON,

Private Secretary,

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

To amend section 398 of the Code, in reference to the transfer of licenses ;

To allow John W. Hughes, administrator of C. A. Clapp, deceased, to sell the interest of said decedent in the ferry and ferry landings, and land attached thereto, opposite the city of Montgomery, Ala. :

To allow Bolling Hall to establish a ferry across the Alabama River, opposite the city of Montgomery.

W. H. GARRETT, Secretary.

Mr. Thrasher, by leave, recorded his vote in favor of the Homestead bill.

Mr. Ellis, from the Select Committee on Judicial Circuits, reported a bill—

To lay off and divide the State of Alabama into twelve judicial circuits, and fix the time of holding the courts therein ;

Which was read twice, under a suspension of the constitutional rule, and

Mr. Woolf moved to amend by striking out 12, and inserting 11 ;

Pending which,

On motion of Mr. Morse,

The House adjourned until 3½ o'clock p. m.

AFTERNOON SESSION, 3½ o'clock P. M.

The House met pursuant to adjournment.

The consideration of the bill—

To lay off and divide the State of Alabama into twelve judicial circuits, and fix the time of holding the courts therein,

Was resumed ;

The question being on the adoption of the amendment offered by Mr. Worthy, it was adopted.

On motion of Mr. Mabry, the bill was recommitted.

Mr. Meadors, from the Judiciary Committee, reported favorably to the bill—

For the relief of Lewis Davis of Jackson county ;

Mr. Davis of Barbour, moved to amend by adding the name of Syrintha Ann E. Byan, of Barbour county ;

Which was lost.

The bill was read the third time, under a suspension of the constitutional rule, and passed,

Yeas, 43 ; nays, 23.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Brooks, Caffey, Clark of Lawrence, Cox, Crenshaw, Culver, Davis of Barbour, Dobson, Faulk, Ferguson, Gibson, Goldthwaite, Goodwin, Hare, Henry, Lawrence of Fayette, Malone, Manasco, McAlexander, McBee, McCann, McLester, McMillan, Meadors, Odum, Padgett, Raisler, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Thorn, Walker, Waller, Whitfield, Williams of Randolph, Wilhite, Woolf and Worthy—43.

NAYS—Messrs. Brandon, Callaway, Craig, Doster, Gafford, Grant, Hand, Hawthorne, Lanier, Lawrence of Cherokee, Leeper, Lindsey, Mabry, Malloy, McCain, McCoy of Russell, McCoy of Tallapoosa, Moore, Oliver, Palmer, Potter, Steadham and Vansandt—23.

Mr. Meadors also reported favorably to the Senate bill for the relief of Nancy M. C. Reynolds of Lawrence county ;

Which was read the third time, under a suspension of the constitutional rule, and lost.

Yeas 28, nays 45.

YEAS—Messrs. Clark of Lawrence, Cotten, Faulk, Gibson, Goodwin, Hare, Humphrey, Lawrence of Fayette, Ledbetter, Manasco, McAlexander, McMillan, Meadors, Morse, Odum, Padgett, Plowman, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Smith of Jackson, Walker, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—23.

NAYS—Messrs. Speaker, Bethea, Borden, Bourland, Brandon, Brooks, Caffey, Callaway, Connelly, Craig, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Ferguson, Gafford, Goldthwaite, Grant, Hand, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Leeper, Lindsey, Mabry, Malloy, McBee, McCain, McCann, McCoy of Tallapoosa, McKinstry, McLester, Moore, Oliver, Palmer, Pierce, Pipkin, Potter, Smith of Choctaw, Thorn, Vansandt, Waller and Woolf—43.

Mr. McKinstry, from the same committee, reported favora-

bly to the bill to amend section 2510 of the Code in relation to advertising the attachment and levy on property, &c ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bill to authorize the securities of certain officers to use their principals as witnesses in certain cases ;

To repeal an act entitled an act concerning vagrants and vagrancy ;

To authorize married women to insure the lives of their husbands ;

To repeal section 99 and 100 of the Code, and to substitute others in lieu thereof ;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

To increase the jurisdiction of the probate courts and to declare them courts of general jurisdiction.

On motion of Mr. Leeper, the further consideration of the bill was postponed until Friday next, at the hour of 12 M.

On motion of Mr. Craig, the vote was reconsidered by which the bill—

To lay off and divide the State of Alabama into 12 judicial circuits and fix the time for holding the courts therein, was recommitted ;

Mr. Craig moved to reconsider the vote by which the amendment of Mr. Worthy was adopted. Carried.

Mr. Mabry moved to postpone the further consideration of the bill until the hour of 11 o'clock, to-morrow. Lost.

The amendment by Mr. Worthy, to strike out "12" and insert "11," was lost ;

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Yeas 40 ; nays 34.

YEAS—Messrs. Speaker, Ash, Borden, Bourland, Brandon, Brooks, Caffey, Clark of Lawrence, Clark of Mobile, Cox, Craig, Culver, Dobson, Ellis, Ferguson, Gibson, Goodwin, Grant, Hare, Henry, Lawrence of Cherokee, Leeper, McBee, McCain, McCann, McKinstry, McLester, Meadors, Pierce, Pipkin, Potter, Sheffield, Smith of Choctaw, Vansandt, Walker, Waller, Warren of Lawrence, Whitfield, Williams of Randolph, and Woolf—40.

NAYS—Messrs. Callaway, Chapman, Crenshaw, Davis of Barbour, Davis of Bibb, Doster, Echols, Faulk, Gafford, Hand, Hawthorne, Lanier, Lawrence of Fayette, Ledbetter, Lindsey,

Mabry, Malone, Manasco, McAlexander, McCoy of Russell, McCoy of Tallapoosa, Morse, Odum, Oliver, Owens, Palmer, Padgett, Raiser, Richardson, Smith of Jackson, Thora, Williams of Jackson, and Worthy—34.

GENERAL ORDERS.

The bills—

To incorporate the Selma Building and Loan Association ;

To incorporate the Fire and Marine Insurance Company of Selma ;

Were read severally the third time, and passed.

The bill to organize a State Immigrant Aid Society, was taken up, and

On motion of Mr. Lanier, was made the special order for to-morrow at the hour of 9½ o'clock.

Leave of absence granted Mr. Pipkin.

The bill for the relief of maimed indigent soldiers of Alabama, was taken up, and

On motion of Mr. Hawthorne, was made the special order for to-morrow at the hour of 12 o'clock, M.

Mr. Craig, by leave, introduced a bill to change the boundary line between the counties of Dallas and Autauga ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on County Boundaries.

On motion of Mr. Hawthorne,

The House adjourned until 9½ o'clock to-morrow.

FRIDAY, February 14.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hand.

On motion of Mr. Gibson, the reading of the journal was dispensed with.

Mr. McKinstry offered the following resolution,

Which was adopted :

Resolved by the House of Representatives of the State of Alabama in General Assembly convened, (the Senate concurring,) That this General Assembly adjourn sine die on Monday, the 18th day of February, 1867, at 4 o'clock, p. m.

On motion of Mr. Davis of Bibb, the vote was reconsidered, concurring in the Senate amendment to the bill to provide for

the adoption, printing and distribution of the Revised Code of Alabama, and

The bill was recommitted to the Committee on Public Printing.

Mr. Lawrence of Fayette, by leave, introduced a bill to authorize the Commissioners Court of the county of Jones to levy a special tax to build a court house and jail for said county;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Doster, from the Select Committee on Apportionment, reported a bill to divide the State into Senatorial Districts and provide for the election of Senator to the General Assembly ;

Which was read twice, under a suspension of the constitutional rule, and,

On motion of Mr. Sheffield, was made the special order for to-morrow at the hour of 11 o'clock.

Mr. Sheffield, from the same committee, reported a bill to fix and establish the ratio and apportion Representatives among the several counties of this State..

Mr. Meadors moved to lay the bill on the table and substitute the Senate bill on the same subject therefor ;

Which was carried.

The Senate bill—

To fix and establish the ratio and apportion representatives among the several counties of this State ;.

Was then read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Leeper, from the Committee on Internal Improvements, reported favorably to the bill supplemental to an act entitled an act to incorporate the Coosa and Chattooga River Railroad Company, approved January 6th, 1852.:

Which was read the third time, under a suspension of the constitutional rule, and passed.

SPECIAL ORDER,

Being the bill, to organize a State Immigrant Aid Society ;
It was taken up. and

Mr. Ferguson offered the following amendment,

Which was adopted :

“Sec. 10. *Be it further enacted*, That the Governor is in no wise authorized to issue said bonds until a sufficient number of immigrants are ordered, and bond with good security is given by the party or parties so ordering, to pay the expenses for the transportation of said immigrants ;”

Mr. Lanier offered the following amendment as proviso, to the 7th section ;

Which was dopted.

“That the said bonds shall not be sold for less than ninety cents to the dollar, nor more than eight per cent interest.”

Mr. Ferguson moved to amend section Sth, by striking out all after the words “ordered away,” and inserting “half of which fine shall be paid to the State, and the balance to the party aggrieved, and suing for the same ;”

Which was adopted ;

The bill was read the third time and lost, not receiving a two-third vote.

Yeas 36 ; nays 34.

YEAS—Messrs. Speaker, Ash, Bethea, Brooks, Caffey, Clark of Lawrence, Davis of Barbour, Doster, Echols, Ferguson, Gibson, Goodwin, Grant, Hawthorne, Henry, Humphrey, Lanier, Leeper, Mabry, McCoy of Tallapoosa, McKinstry, Morse, Odum, Owens, Pierce, Pipkin, Raisler, Richardson, Robinson of Baldwin, Seawell, Smith of Choctaw, Waller, Whitfield, Williams of Randolph, and Woolf—36.

NAYS—Messrs. Bourland, Brandon, Callaway, Connelly, Crenshaw, Davis of Bibb, Dobson, Faulk, Goldthwaite, Hand, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Malone, McBee, McCain, McCann, McCoy of Russell, McLester, Meadors, Menefee, Oliver, Padgett, Plowman, Robinson of Chambers, Thoru, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Wilhite and Worthy—34.

Mr. Ferguson gave notice that he would move a reconsideration of the vote, by which the bill was lost.

Message from the Senate :

Mr. Speaker :

The Senate has passed the following House bills :

To authorize Mrs. C. F. Adair, widow of Weyman Adair, deceased, late of Talladega county, to sell one half interest in a mill site, &c. ;

To incorporate the town of Auburn ;

To exempt justices of the peace and constables from jury duty ;

To extend the time in which executors and administrators may declare estates insolvent ;

To amend an act to empower the commissioners court of

Winston county to issue bonds, and levy a special tax, approved December 11, 1865 ;

To continue in force the right of the Selma and Montgomery Navigation Company ;

To declare certain citizens therein named, to 'be citizens of Calhoun county ;

To authorize the administrator of the estate of Stanford Mims, deceased, late of Monroe county, to rent or sell the lands of said estate by private contract ;

To attach a part of township 6, range 17, in Covington county to the county of Crenshaw ;

To authorize the Governor to institute suit in certain cases ;

To change the time of payment of the salaries of officers of the State of Alabama ;

To incorporate the town of Allenton, in Wilcox county ;

To incorporate the town of Summerfield, in Dallas county ;

To give the consent of the State of Alabama to a donation made to the United States of a lot of land in the cities of Mobile and Montgomery, for the purpose of constructing a national cemetery ;

For the relief of Harris & Hoyt, of Montgomery ;

For the relief of Mobile county ;

For the relief of John Callahan, of Montgomery.

The Senate has amended, as therein shown, and passed the following House bills :

To incorporate the town of Dadeville, in Tallapoosa county ;

To amend an act to define the powers of justices of the peace in the counties of Dallas, Pickens and other counties ;

To require new counties to be furnished with Acts and Supreme Court Reports ;

To reorganize the terms and times of holding the courts of chancery in the middle chancery division ;

To amend an act to authorize the courts of county commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds to build bridges in said counties, approved January 26, 1866.

The Senate has originated and passed the following bills :

For the relief of defendants in judgments and decrees rendered since the 11th day of January, 1861 ;

To authorize a patent to issue for lot No. 11, of Section 16, Township 16, Range 16 ;

To amend section 724 of the Code ;

To provide for the collection of taxes in Perry county for the payment of the tax on real estate, and for the relief of the tax assessor of said county ;

To amend section 2334 of the Code ;

To authorize the administratrix of David C. Neal, deceased, to sell at private sale ;

To authorize the town council of the town of Livingston to levy a tax for the purpose of aiding in the building of the N. E. and S. W. R. R ;

To change the boundary line between the counties of Baine, Blount and St. Clair ;

To repeal section 5 of an act to incorporate the Perote Male and Female High School, approved Feb. 21, 1860 ;

To authorize W. L. Young, of Washington county, to make a canal therein named and authorize him to charge toll ;

To incorporate the Indian Hill Manufacturing Company ;

To authorize the clerk of the city court of Selma to issue such attachments as clerks of the circuit courts of this State are authorized to issue ;

In relation to camp-hunting in the county of Winston ;

To incorporate the Gadsden Real Estate and Building Association ;

For the relief of W. H. Tilford, and Kenner Agee, of Marengo county ;

To authorize counties, cities and towns in this State, to subscribe to the capital stock of railroad companies.

The Senate concurs in the amendment of the House to the bill to authorize Mrs. A. M. Carleton to invest the money of certain wards.

WM. H. GARRETT, Secretary.

GENERAL ORDERS.

The Senate bill to locate the county seat of Jackson county, and to build a court house and jail ;

Was read twice, under a suspension of the constitutional rule, and referred to the delegation from Jackson county.

The Senate bill to prevent undecided appeals to the supreme court from losing their force by discontinuance or otherwise, unless the appellant move for a discontinuance after legal cause therefor has occurred ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House concurred in the Senate amendment to the bill to compel administrators, executors, guardians and trustees to continue the administration and settlement of estates in certain cases, in Pike county.

On motion of Mr. Richardson, the vote was reconsidered.

by which the bill, for the relief of A. L. McKinney, sheriff of Limestone county, was lost.

The bill, being upon its passage, it was lost, not receiving a two-third vote.

The Speaker ruled that it required a two-third vote to pass the bill ;

Mr. Richardson appealed, and the ruling of the Speaker was sustained.

SPECIAL ORDERS.

The first special order being the bill relative to the inspecting, guaging, weighing and measuring of goods, wares, produce and merchandise ;

It was taken up, and

Mr. Tompkins offered the following amendment ;

Which was adopted :

Amend the title of the bill by erasing all after the word "inspection," and inserting in lieu thereof the words "of flour."

Amend the body of the bill by erasing, commencing after the word "inspection," in the fourth line of the first section, and erasing to the word "brought," (not inclusive,) and inserting in lieu thereof, "of any flour."

Also, erase section 2, all after the enacting clause, and insert the following :

"That it shall be lawful for any owner, agent, assignee or receiver of any flour to sell, ship or exchange the same with or without ; *Provided, however,* That said owner, agent, assignee or receiver shall be bound to have any flour offered for sale inspected, when the purchaser demands it, and such inspection, when thus demanded, shall be made by the inspector commissioned under the authority of the State, or of the city, town or county corporation in which the sale may be made ; *Provided, further,* That the bill shall not be construed to affect the rights of officers elected as inspectors in different parts of the State, until after the expiration of their respective terms of office which they now hold, nor the regulations authorizing them to collect fees therefor."

The bill was then read the third time and passed.

The next special order, being the Senate bill to alter the boundary line between Dallas and Perry counties, and to annex a portion of Perry to Dallas county ;

It was taken up and read the third time, under a suspension of the constitutional rule, and passed by a two third vote.

The next special order being the bill for the relief of maimed indigent soldiers of Alabama;

It was taken up, and pending which,

On motion of Mr. Pierce, the House adjourned until 3½ p. m.

EVENING SESSION, 3½ o'clock, p. m.

The House met pursuant to adjournment.

Leave of absence granted Mr. Callaway after to-morrow.

Leave of absence granted Mr. Robinson of Chambers, after Saturday next.

The House resumed the consideration of the bill for the relief of maimed indigent soldiers of Alabama;

Mr. Gibson moved to amend by striking out the word "General" after the word "Comptroller;"

Which was adopted.

Mr. Oliver offered the following amendment:

SEC. —. *Be it further enacted*, That the provisions of this act shall apply to all persons in this State, who are alike crippled or maimed as those named in this act, by whatever manner they may have become maimed.

Mr. Oliver moved to amend his amendment by inserting the word "white" before the word "persons;"

Which was lost, and the amendment was lost.

Yeas, 4; nays, 70.

YEAS—Messrs. Dobson, Grant, Oliver, and Wilhite—4.

NAYS—Messrs. Bethea, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Faulk, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hare, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMilian, Meadors, Menefee, Moore, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Thorn, Vansandt, Walker, Waller, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—70.

Mr. Gibson moved to amend by filling the blank, stating the amount to be appropriated, with "thirty thousand dollars, and that one half of the amount shall be in State bonds;"

Which was adopted.

Mr. Potter moved to strike out the preamble to the bill;

Which was lost—Yeas 20, nays 56.

The bill was then read a third time, under a suspension of the constitutional rule, and passed.

Yeas 72, nays 7.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Brandon, Brooks, Caffey, Callaway, Chapman, Clark of Lawrence, Cox, Craig, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Doster, Echols, Faulk, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, Manasco, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Meadors, Menefee, Morse, Odum, Owens, Palmer, Padgett, Pierce, Pipkin, Plowman, Potter, Raisler, Richardson, Robinson of Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Jackson, Sturdivant, Thorn, Walker, Waller, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—72.

NAYS—Messrs. Cotten, Dobson, Grant, McCann, Oliver, Vansandt, and Wilhite—7.

Mr. Meadors, by leave, introduced a bill to create a chancery district in the southern chancery division, to be composed of the counties of Chambers and Lee ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Vansandt, by leave, a bill to regulate the terms of the late elections of officers in the new counties ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Richardson moved to reconsider the vote on the passage of the Senate bill—

To fix and establish the ratio, and apportion representatives among the several counties of this State ;

Which was carried, and the bill postponed until 10 o'clock on Saturday next.

The House bill to amend an act to define the powers of justices of the peace in the counties of Dallas, Pickens, and other counties, amended by substitute in the Senate,

Was taken up and made the special order for to-morrow at 10 o'clock, a. m.

The Senate bill for the relief of defendants in judgments and decrees rendered since the 11th day of January, 1861,

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Leave of absence was granted Mr. Lanier, after Friday.

On motion of Mr. McCoy of Tallapoosa,
The House adjourned until 9½ o'clock a. m., to-morrow.

FRIDAY, February 15th.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barron.

The journal was read and approved.

On motion of Mr. Clark of Mobile,

The bill to establish revenue laws of the State of Alabama,
with the Senate amendment,

Was taken up and referred to the Committee on Ways and Means.

Mr. Smith of Jackson, from the Committee on County Boundaries, reported favorably to the bill—

To change the boundary line between the counties of Dallas and Autauga;

Which was read the third time, under a suspension of the constitutional rule, and passed, by a two-thirds vote.

Mr. Doster, by leave, from the Committee on Education, reported favorably to the Senate bill—

To establish a school for blind persons ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the Senate bill—

To provide for the just and legal distribution of the school fund for the years 1865 and 1866 ;

Which was adopted, and bill read third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the House bill—

To authorize the Secretary of State to issue a land patent to Albin Ryland, of Coffee county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the joint resolution approving the Southern University series of school books ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Doster also reported a substitute for the bill—

To provide a College for the benefit of Agriculture and the Mechanic Arts, in the State of Alabama, under acts of Congress, approved respectively 2d July, 1862, and 14th of April, 1864 ;

Which was adopted ;

Mr. McCoy of Russell, moved to amend by striking out Talladega, and inserting Auburn ;

Mr. Goodwin moved to amend the amendment by inserting "and LaGrange ;"

Which was lost.

The vote being taken on Mr. McCoy's amendment,

It was lost.

The substitute was then read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the Senate.

Mr. Tompkins, by leave, from the committee on Corporations, reported favorably, with the following amendment, to the bill—

To incorporate the Washington Fire and Marine Insurance Company, of Mobile :

"SEC. 13. *Be it further enacted*, That the stockholders be, and they are hereby held liable, under the provisions of this charter, to the full amount of their stock subscribed."

The amendment was adopted,

And the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Gibson, from the Committee on Local Legislation, reported favorably, with the following amendment, to the bill—

For the relief of D. G. Crowder, of Randolph county :

Strike out all after the word "bigamy," in the 6th line ;

Which was adopted ;

And the bill read the third time, under a suspension of the constitutional rule, and lost.

Message from the Senate:

Mr. Speaker :

The Senate has originated and passed the following bills :

To construe the 1st section of an act to authorize the lessees of the Penitentiary to work the convicts outside the walls, approved Dec. 7, 1866 ;

To incorporate the Manassas Club, of Mobile ;

To amend an act to authorize the commissioners court of Chambers and Montgomery counties, to issue treasury notes to pay the indebtedness of said counties, to pay for the building of bridges, enlarging and repairing the court house and jail, and for other purposes ;

To increase the pay of the members of the commissioners court of Montgomery county ;

To appoint commissioners for the town of Warrenton, in the county of Marshall ;

To declare the legal effect of deeds in which married women join with their husbands conveying the lands of their said husbands ;

To establish a system of internal improvements in the State of Alabama ;

To amend section 670 of the Penal Code ;

To incorporate the Barnett Manufacturing Company.

The Senate has passed the following bill :

To repeal section 2 of an act, incorporating the Lineville Male and Female Academy, approved February 7th, 1866, and to substitute a section in lieu thereof, as section two ;

To incorporate the town of Stevenson, in the county of Jackson ;

To incorporate the Sapulga River Manufacturing Company of Conecuh county ;

To amend and revise the charter of the Coosa and Chattooga River Railroad Company ;

To establish a medical board for Elmore county ;

For the relief of Matilda Preston of the county of Choctaw ;

To establish a county court for Pike county, and to repeal section 3870 of the Penal Code, so far as the same applies to Pike county ;

The Senate has amended as therein shown, and as amended, has passed, the House bills—

To establish Revenue Laws of the State of Alabama ;

To amend section one of an act to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land, approved January 31st, 1866 ;

To increase the pay of the commissioners of the county of Tallapoosa.

W. H. GARRETT, Secretary.

Mr. Pierce, by leave, offered the following resolution ;

Which was adopted ;

Resolved, That the Committee on Public Printing be instructed to report. ~~instanter~~, the bill providing for the printing of the Code.

SPECIAL ORDER.

The bill to divide the State into Senatorial Districts, and provide for the election of Senators to the General Assembly ;

Was taken up, and

Mr. Sheffield offered a substitute for the bill ;
Which was adopted.

Mr. Ellis moved to amend, by striking out "Talladega and Clay, 20th district ; Randolph and Cleburne, 21st district ; Calhoun and St. Clair, 23d district ;" and inserting in lieu thereof,
20th district, Talladega and St. Clair ;
21st district, Randolph and Clay ;
23d district, Calhoun and Cleburne ;
Lost.

Mr. Smith of Choctaw, offered the following amendment ;
Which was lost.

"The 15th district shall be composed of the counties of Tuscaloosa and Hale, and the 13th district shall be composed of the counties of Choctaw and Marengo."

Mr. Lawrence of Fayette, offered the following amendment ;
The 30th district shall be composed of the counties of Marion, Fayette and Jones ;
Which was lost.

On motion the constitutional rule was suspended to give the bill a third reading fourthwith ;

The bill was then read the third time and passed.

Yeas 66 ; nays 10.

YEAS—Messrs. Speaker, Bethea, Bourland, Brandon, Brooks, Caffey, Chapman, Clark of Lawrence, Cotten, Cox, Crenshaw, Culver, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ellis, Faulk, Ferguson, Gafford, Gibson, Grant, Hand, Hardie, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of C., Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McBee, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, Meadors, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Plowman, Potter, Robinson of Chambers, Sheffield, Smith of Choctaw, Smith of Jackson, Vansandt, Walker, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, Williams of Randolph, Wilhite, and Woolf—66.

NAYS—Messrs. Clark of Mobile, Goodwin, Lawrence of Fayette, McAlexander, McKinsty, Raisler, Robinson of Baldwin, Thorn, Waller, and Worthy—10.

The Committee of Ways and Means having had under consideration the Senate amendments to the bill to establish revenue laws of the State of Alabama, respectfully report the same back to the House and recommend a concurrence with the Senate in the following amendments, to-wit :

Amendment to section 1st, chapter 1st, paragraph 5th ;
Amendment to section 1st, chapter 1st, paragraph 6th ;
Amendment to 1st line, page 3, striking out "neat ;"

Amendment to 15th line, page 3rd ;

Amendment to lines 5 and 6, paragraph 1st, section 5th ;

Amendment to 8th line, same paragraph and section ;

Amendment to section 5th, paragraph 3d, inserting the word "over" between "having" and "four ;"

Amendment to section 8th, 3d line, striking out "February" and inserting "March ;"

Amendment to section 23d, chapter 7th, 7th line, striking out "May" and inserting "June ;"

Amendment to section 27th, chapter 8th, striking out "State" and inserting "public accounts ;"

Amendment to section 31st, last line but one, striking out "May" and inserting "June ;"

Amendment to section 32d, 4th line, striking out "May" and inserting "June ;"

Amendment to section 41st, chapter 9th ;

Amendment to section 53d, chapter 10th, 6th line, striking out the word "payable" and inserting "taxable ;" 7th line, striking out "May" and inserting "June ;"

Amendment to section 73rd, 7th line, striking out \$100 and insert \$50 ;

Amendment to section 100th, chapter 7th, paragraph 1st, by striking out section 106th, and adding a new section ;

The committee also recommend that the House disagree to the following Senate amendments, to-wit :

To the Senate amendment to section 5th, paragraph 3rd, striking out "ten" and inserting "five ;" and to same paragraph, striking out "one hundred" and inserting "fifty ;"

To the amendment to section 5th, paragraph 4th, striking out "seventy" and inserting "twenty ;"

To the amendment to section 5th, paragraph 15th, chapter 3rd ;

To the amendment to section 58th, chapter 10th ;

To the amendment to section 81st, paragraph 2nd ;

To the amendment adding after section 108th, the new section marked 109 ;

All of which was concurred in by the House.

F. B. CLARK, for Committee.

The House refused to concur in Senate amendment charging tax on barber shops ;

And also refused to agree to Senate amendment to section 109.

EVENING SESSION, 3½ o'clock p. m.
The House met pursuant to adjournment.

SPECIAL ORDER:

The House concurred in the Senate amendment to the House bill—

To provide pay for the grand and petit jurors and the court of county commissioners of the different counties in this State;

The House also concurred in the Senate amendment to the following bill:

To repeal an act to prohibit the sale of spirituous liquors at Sundry places in Marengo county;

To incorporate the town of Dadeville, in Tallapoosa county;

To amend an act to authorize the Courts of county commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of public bridges in said counties, approved January 26, 1866;

To organize the terms and times of holding the courts of chancery, in the middle chancery division;

Mr. Woolf, by leave, from the Committee on Ways and Means, reported a substitute for the Senate bill—

To fix the pay of the Reporter of the decisions of the Supreme Court;

Which was adopted, and read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate.

Mr. Speaker:

The Senate recedes from the amendment disagreed to by the House to the House bill—

To establish revenue laws for the State of Alabama.

WM. H. GARRETT, Secretary.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his Private Secretary:

EXECUTIVE DEPARTMENT, }
STATE OF ALABAMA, }
Montgomery, Feb. 15, 1867. }

Gentlemen of the Senate and House of Representatives:

I have this day received from Washington city an important document, bearing upon the relations which Alabama sustains

to the Union, with a request that it be submitted to the Legislature. A duly verified copy of the paper is herewith transmitted. It is in the nature of an application to Congress to propose certain amendments to the Constitution of the United States, coupled with a proposition to amend the Constitution of the State of Alabama.

The grave and important question involved in these propositions is respectfully submitted to the superior wisdom of the Legislature.

R. M. PATTON.

WHEREAS, it has been announced by persons high in authority that propositions from the Southern States, having in view the adjustment of our present political troubles, would be received and considered, etc., etc.; therefore,

Resolved by the Legislature of the State of Alabama, That the Congress of the United States be requested to propose to the Legislatures of the several States the following amendments to the Constitution of the United States :

ARTICLE XIV.

SECTION 1. No State, under the Constitution, has a right of its own will, to renounce its own place in or to withdraw from the Union. Nor has the Federal Government any right to eject a State from the Union, or to deprive it of its equal suffrage in the Senate, or of representation in the House of Representatives. The Union under the Constitution, shall be perpetual.

SEC. 2. The public debt of the United States, authorized by law, shall ever be held sacred and inviolate. But neither the United States, nor any State, shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the government or authority of the United States.

SEC. 3. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the States in which they reside; and the citizens of each State shall be entitled to all the privileges and immunities of the citizens of the several States. No State shall deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction, the equal protection of the laws.

SEC. 4. Representation shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not

taxed. But when any State shall, on account of race, or color, or previous condition of servitude, deny the exercise of the elective franchise, at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, members of the Legislature, and other officers elected by the people, to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, then the entire class of persons so excluded from the elective franchise, shall not be counted in the basis of representation.

And whereas, &c., &c.,

Be it further resolved by the Legislature of Alabama, That the following article shall be adopted as an amendment to, and become a part of, the constitution of the State of Alabama :

ARTICLE —. Every male citizen who has resided in this State for one year, and in the county in which he appears to vote, six months immediately preceding the day of election, and who can read the Declaration of Independence, and the Constitution of the United States in the English language, and write his name, or who may be owner of two hundred and fifty dollars worth of taxable property, shall be entitled to vote at all elections for Governor of the State and members of the Legislature, and all other officers, the election of whom may be by the people of the State ; *Provided*, That no person, by reason of this article, shall be excluded from voting who has heretofore exercised the elective franchise under the constitution and laws of this State, or who, at the time of the adoption of this amendment, may be entitled to vote under said constitution and laws.

Mr. Pierce moved to postpone the further consideration of the message and accompanying document until Monday next, and make it the special order for the hour of 3½ p. m. ;

Which was lost.

Mr. McKinstry moved that the consideration of the message and accompanying document be postponed until to-morrow at 10 a. m., and that 133 copies be printed ;

Which was lost.

Mr. Mabry moved to lay the message and accompanying document on the table ;

Which was lost.

Yeas, 33 ; nays, 40.

YEAS—Messrs. Bethea, Caffey, Crenshaw, Culver, Ellis, Faulk, Goldthwaite, Hare, Hawthorne, Henry, Humphrey, Lanier, Mabry, Manasco, McBee, McCoy of Russell, McCoy of Tallapoosa, Meadors, Menefee, Pierce, Raisler, Robinson of

Baldwin, Robinson of Chambers, Seawell, Sheffield, Smith of Choctaw, Tompkins, Waller, Whitfield, Williams of Jackson Williams of Randolph, Woolf and Worthy—33.

NAYS—Messrs. Speaker, Ash, Brandon, Brooks, Chapman, Clark of Lawrence, Connelly, Cotten, Davis of Barbour, Davis of Bibb, Dobson, Doster, Echols, Ferguson, Gafford, Gibson, Goodwin, Grant, Lawrence of Cherokee, Lawrence of Fayette, Lindsey, Malone, McAlexander, McCain, McCann, McKiustry, McLester, Moore, Morse, Odum, Oliver, Palmer, Padgett, Potter, Smith of Jackson, Thorn, Vansandt, Walker and Wilhite—40.

On motion of Mr. —, the message, with the accompanying document, was referred to the Committee on Federal Relations, with instructions to report by 10 o'clock to-morrow, a. m.

Mr. Woolf, by leave, from the Committee on Ways and Means, reported favorably to the following Senate bills :

In relation to the decisions of the Supreme Court ;

To repeal an act entitled an act to provide for the safe keeping, distribution and exchange of the Supreme Court Reports, approved February 8th, 1866, and to regulate the safe keeping, distribution and exchange of said reports ;

To repeal an act entitled an act to provide for the printing and distribution of the decisions of the Supreme Court, approved December 12th, 1865 ;

Which were read severally the third time, under a suspension of the constitutional rule, and passed.

Message from the Governor.

Message from His Excellency the Governor, by Mr. Samuel H. Dixon, his private secretary.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in the House :

In relation to the competency of witnesses ;

To establish a new charter for the city of Selma ;

To define the duties of probate judges in certain cases ;

To incorporate the Fireman's Club, of Mobile ;

Regulating proceedings in the probate court of Madison county ;

For the relief of James B. Farmer, late sheriff of Calhoun county ;

For the relief of John D. Leverett of Chambers county ;

To authorize the commissioners court of Lee county to issue treasury notes ;

To incorporate the town of Allenton, in Wilcox county ;

To incorporate the Sipsy Falls Manufacturing Company ;

To extend the time in which executors and administrators may declare estates insolvent ;

To authorize the construction of a railroad between Gainesville and Eutaw, and a connection between roads at those points ;

To authorize the administratrix of James A. Ware, deceased, of Montgomery county, to sell personal property and real estate at private sale ;

To incorporate the Tuscaloosa Savings Association ;

To fix the price to be paid for the public printing ;

To amend section 713 of the Penal Code of Alabama, so as to authorize probate judges to admit to bail on writs of *habeas corpus*, in cases of felony before conviction ;

To prohibit the sale of spirituous liquors within five miles of Cahaba Coal Mines, in Shelby county, Ala. ;

To amend an act entitled an act to prevent the sale of spirituous liquors in quantities less than one gallon within three miles of Danville, in Morgan county ;

To prohibit the sale of spirituous liquors within five miles of Harmony Church, in Shelby county ;

To require probate judges to make quarterly settlements with the county treasurer ;

To renew the charter of the Southwestern Railroad Company, granted in 1857 and '8, to extend their road across the State of Alabama, from Franklin, on the Chattahoochee, to Mobile.

SAM'L H. DEXON, Private Secretary.

GENERAL ORDERS.

The Senate bills—

In relation to the contingent fund ;

In relation to the employment of special clerical service for the State ;

To regulate the mode of purchasing fuel for the State ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To retrench the expenses of the State Government ;

Was read twice, under a suspension of the constitutional rule.

Mr. Gibson moved to amend by striking out \$1200 and \$1500, as pay for clerk in Comptroller's Office ;

Which was lost.

Mr. Whitfield moved to amend by striking out \$3,200, and inserting \$3,500, as salary of Supreme Court Judges ;

Which was lost.

Mr. Woolf moved to amend by striking out \$2,500, and inserting \$3,000, as salary of Circuit Judges ;

Which was lost.

Mr. Woolf moved to amend by striking out \$3,500, and inserting \$4,000 as the salary for the Governor ;

Which was lost.

Mr. Potter moved to amend by striking out \$1,500, and inserting \$2,000, as salary of State Superintendent of Education. Lost.

Mr. McAlexander moved to amend by striking out \$1,000, and inserting \$1,500, as the salary of Attorney General ;

Which was lost.

Mr. Echols moved to lay the bill on the table ;

Which was lost.

The bill was then read a third time, under a suspension of the constitutional rule, and passed ;

Yeas 41 ; nays 24.

YEAS—Messrs, Speaker, Ash, Caffey, Chapman, Crenshaw, Davis of Barbour, Davis of Bibb, Dobson, Doster, Gafford, Goldthwaite, Hand, Hawthorne, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCoy of Tallapoosa, McLester, Menefee, Oliver, Palmer, Padgett, Plowman, Richardson, Robinson of Baldwin, Robinson of Chambers, Sheffield, Smith of Jackson, Thorn, Vansandt, Walker, Warren of Lawrence, Williams of Jackson, Wilhite and Worthy—41.

NAYS—Messrs. Borden, Brandon, Brooks, Connelly, Craig, Echols, Ellis, Gibson, Goodwin, Grant, Hare, Henry, Humphrey, Lanier, Moore, Morse, Odum, Pierce, Potter, Raisler, Smith of Choctaw, Whitfield and Woolf—24.

Mr. Padgett, from a select committee, reported favorably, with the following amendment, to

The Senate bill—

To locate the county seat of Jackson county, and to build a court house and jail :

Strike out in the first section the word "president," and insert "precinct"; in same section, strike out "April," and insert "May." In the second section, strike out "May" and insert

“June,” and also, strike out in the same section the words, “a majority,” and insert “two thirds.”

Amendment adopted, and the bill read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To remove the administration of Phillip J. Weaver, jr., from the probate court of Marengo county to the probate court of Dallas county ;

To incorporate the Barnett Manufacturing Company ;

In addition to and supplemental to an act entitled an act to authorize the Governor to settle with Wm. O. Winston, of DeKalb county, approved Jan. 27, 1867 ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

The House concurred in the Senate amendments to the following bills :

To regulate the distribution of the Revised Code ;

For the relief of the present judges of probate of Jefferson, St. Clair, Shelby and Russell counties ;

To require new counties to be furnished with Acts and Supreme Court Reports ;

To change the boundary line between Lowndes and Crenshaw counties ;

To increase the pay of the county commissioners of the county of Tallapoosa ;

To amend section 1, of an act to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land, approved January 31st, 1866.

The House concurred in the Senate amendment, by substitute to the bill—

To increase the fees of officers, jurors and witnesses in the courts of Autauga, Green, Sumter, Marengo, Pickens, Tallapoosa, Dale, Limestone, Monroe and Butler.

The Senate bill, to confer additional powers on the city council of Montgomery ;

To appoint commissioners for the town of Warrenton, in the county of Marshall ;

To establish a system of internal improvements in the State of Alabama ;

To create a new chancery district, called Colbert district, and regulating the holding of chancery courts in certain districts ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate bill, for the relief of Benj. Snodgrass, sheriff of Jackson county ;

Was read twice, under a suspension of the constitutional rule, and referred to the Committee on Accounts and Claims.

The Senate bill to divide the State into six Congressional Districts ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the select Committee on Apportionment.

The Senate bill—

To define and extend the corporate limits of the city of Selma ;

To authorize Wm. H. Northington, as executor of John D. Frallick, deceased, to purchase real and personal property for the use of said estate ;

To extend the corporate limits of the city of Montgomery ;

To incorporate the Eureka Mining Company of Alabama ;

Were read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Smith of Jackson,

The House adjourned until 9½ o'clock to-morrow morning.

SATURDAY, February 16.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Vansandt.

On motion of Mr. Gibson, the reading of the journal was dispensed with.

Leave of absence was granted Messrs. Sturdivant, Palmer, Crenshaw, and Clark of Mobile.

Mr. Gibson, by leave, from the committee on Local Legislation, reported favorably to the bill—

In relation to fences, protection of crops and other property in Sumter county.

Mr. Lanier moved to amend by adding the county of Pickens ;

Which was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Gibson also reported a substitute for the bill—

To legalize the marriage between A. C. Carter and Bernetta H. Pulliam, of the county of Tallapoosa.

On motion of Mr. Gibson, the bill, with report, was laid on the table.

Mr. Sheffield, from the Select Committee on apportionment,

reported favorably, with the following amendment, to the Senate bill—

To divide the State into six congressional districts ;

“Amend by transferring the counties of Marengo and Autauga from the first and second districts to the fourth.”

The amendment was adopted, and the bill read a third time, under a suspension of the constitutional rule, and passed.

GENERAL ORDERS.

The Senate bill, to construe the first section of an act to authorize the lessees of the penitentiary to work the convicts outside the walls, approved December 7th, 1865 ;

Was read the first, second and third times, under a suspension of the constitutional rule, and lost.

Yeas 29 ; nays 40.

YEAS—Messrs. Bethea, Caffey, Davis of Barbour, Doster, Echols, Faulk, Ferguson, Gafford, Hawthorne, Henry, Malone, Manasco, McBee, McCoy of Russell, McKinstry, McMillan, Menefee, Moore, Odum, Potter, Robinson of Baldwin, Smith of Choctaw, Smith of Jackson, Walker, Warren of DeKalb, Whitfield, Williams of Jackson, Williams of Randolph and Worthy—29.

NAYS—Messrs. Ash, Borden, Bourland, Brandon, Brooks, Chapman, Craig, Culver, Davis of Bibb, Dobson, Ellis, Gibson, Goodwin, Grant, Hand, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Lindsey, Mabry, McCain, McCann, McCoy of Tallapoosa, McLester, Meadors, Oliver, Padgett, Pierce, Plowman, Richardson, Robinson of Chambers, Seawell, Thorn, Vansandt, Waller, Warren of Lawrence, Willhite and Woolf—40.

Message from the Senate by Mr. Duncan.

Mr. Speaker :

The Senate has originated and passed the following bills :

To fix the pay of witnesses in this State ;

The Senate has passed the following House bills :

To amend an act to incorporate the town of Opelika ;

For the relief of William Watson ;

To incorporate the Harmonie Club of Montgomery, Alabama ;

To authorize J. C. Stansel, of Pickens county, to erect gates across a public road in said county ;

To amend section 1691 of the Code of Alabama ;

To authorize re-assessments of taxes in certain cases ;

To authorize the legal representatives of Wm. B. Watt, late of Randolph county, deceased, to compromise with the late guardian of said decedent ;

Authorizing courts of chancery and probate, to make equitable settlements with guardians ;

To construe an act to extend jurisdiction of courts of chancery in the settlement of insolvent estates ;

For the relief of Mary Jane Jones of Sumter county ;

To authorize the court of county commissioners of Macon county to issue bonds ;

To repeal an act to amend the charter and fix the Eastern boundary of the city of Montgomery ;

To amend section 2587 of the Code ;

To provide a special supreme court in certain cases ;

To authorize the commissioners of the county of Pickens to purchase lands upon which to locate and provide the poor of the county ;

To substitute the judge of the city court of Selma, in the place of the probate judge of Dallas county in certain cases ;

To change the boundary line between the counties of DeKalb, Marshall and Baine ;

To change the line between the counties of Pike and Crenshaw.

The Senate has amended as therein shown, and passed the House bill to confer additional powers on courts of county commissioners in this State ;

In reference to the navigation of the Coosa river.

Mr. Gibson, from the Committee on Local Legislation reported favorably to the Senate bill to provide for the settlement of the accounts between the county of Elmore and the counties out of which it was formed ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bill for the relief of Richard J. Murray of Fayette county, and William P. Mays of Chambers county ;

Which was read the third time, under a suspension of the constitutional rule, and lost.

Mr. Gibson also reported favorably to the bill to authorize Wm. Kirkland, to erect a dam across Sucarnatchie river, near the town of Livingston, in Sumpter county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill for the relief of Thomas D. Garner of Morgan county ;

Which was adopted and read the third time, under a suspension of the constitutional rule, and passed.

Mr. Williams of Jackson, from the Committee on Public Printing, reported favorably to the bill—

To provide for the adoption, printing and distribution of the Revised Code of Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the Senate bill to amend section 78 of the Code ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Ferguson, by leave, introduced a bill to declare Mrs. M. J. Smith, of Macon county, a free dealer ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Also, a bill to relieve J. T. Potter, of Macon county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Also, a bill to declare William A. Shaw a citizen of Macon county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-third vote.

Also, a bill to amend section 2896 of the Code ;

Which was read twice, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Meadors, by leave, a bill to authorize the commissioners court of Lee county to levy a special tax, for the purpose therein named ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Doster, from the Committee on Education, reported favorably to the bill—

To authorize the trustee of township 1, range 9 east, in Jackson county, to erect school houses ;

Which was read the third time under a suspension of the constitutional rule, and passed.

SPECIAL ORDER.

The Senate bill to increase the jurisdiction of courts of probate, and to declare them courts of general jurisdiction,

Was taken up, and, upon motion, was indefinitely postponed.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill—

To prevent the destruction of unclaimed freight, and to regulate the disposition thereof.

WM. H. GARRETT, Secretary.

Message from the Governor, by Mr. Dixon.

Mr. Speaker :

The Governor has approved bills of the following titles, which originated in this House:

To provide for the improvement of the river, bay and harbor of Mobile ;

To lay off the county of Dale into four commissioners districts ;

To repeal an act establishing the city court of Eufaula, Barbour county ;

Prohibiting judges of this State from practicing law in the courts of this State ;

For the relief of Thos. G. Cole, of the county of Choctaw ;

To extend the time for returns and settlements of tax collectors ;

For the relief of Mobile county ;

To remove the estate of W. S. Bailey from Macon county, and Isaac Ross from Tallapoosa county, to the county of Lee ;

To amend the charter of the Commercial Savings Company, of Mobile, approved February 23d, 1866 ;

To authorize A. S. Nelson, guardian of Carrie N. Gorce, to make such contracts as may be necessary to secure the cultivation of his ward's estate ;

To relieve Harris & Hoyt, of Montgomery ;

To amend the charter of the Factors' and Grocers' Marine and Fire Insurance Company, approved Dec. 4, 1863 ;

To change the boundary line between the counties of Lee and Tallapoosa ;

To create an additional term of the chancery court for the division composed of the county of St. Clair ;

To appropriate funds collected from road defaulters to the use of roads and bridges in the counties of Choctaw, Washington, Fayette, Walker, Marion and Winston ;

To prohibit the sale of intoxicating liquors within certain limits in the county of Limestone.

SAMUEL H. DIXON, Private Secretary.

On motion of Mr. McAlexander,
The vote was reconsidered passing the Senate bill—
To retrench the expenses of the State Government ;
Which was taken up, and

Mr. Doster offered the following amendment, by way of engrossed ryder :

Provided, That the provisions of this act do not take effect upon the salary of the present State Superintendent of Education during the time for which he was elected ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Yeas 59 ; nays 12.

YEAS—Messrs. Speaker, Ash, Borden, Brandon, Brooks, Chapinan, Clark of Lawrence, Clark of Mobile, Connelly, Dobson, Doster, Echols, Ellis, Faulk, Gibson, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, Malone, Manasco, McAlexander, McBee, McCann, McKinstry, McLester, McMillan, Menefee, Moore, Morse, Odum, Oliver, Palmer, Padgett, Pierce, Potter, Raisler, Richardson, Robinson of Baldwin, Seawell, Smith of Choctaw, Smith of Jackson, Thorn, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite, Woolf and Worthy—59.

NAYS—Messrs. Cox, Crenshaw, Culver, Davis of Barbour, Gafford, Goldthwaite, Lawrence of Fayette, Lindsay, Mabry, McCoy of Tallapoosa, Meadors, and Whitfield—12.

Mr. McKinstry offered the following amendment, by way of engrossed ryder :

That nothing in this act shall be held to reduce the salaries of the Judges of the Supreme Court, or the salaries of the Judges of the Circuit Courts of this State, but the same shall remain as they now are.

Mr. Speaker, (Mr. Morse in the chair?) ruled that the engrossed ryder was out of order.

Mr. McKinstry appealed from the ruling of the Speaker, and the appeal was sustained.

Pending the amendment,

On motion of Mr. Vansandt, the House adjourned until 3½ p. m.

EVENING SESSION, 3½ o'clock, p. m.

The House met pursuant to adjournment.

The consideration of the Senate bill, to retrench the expenses of the State Government, was resumed.

Mr. McKinstry's amendment by way of engrossed ryder,

Which was read the first, second and third times, under a suspension of the constitutional rule, and lost.

The vote was then taken on the passage of the bill, and it was passed.

Yeas 39, nays 36.

YEAS—Messrs. Speaker, Ash, Bourland, Caffey, Cotten, Culver, Davis of Barbour, Davis of Bibb, Dobson, Faulk, Gafford, Goldthwaite, Hand, Hawthorne, Lawrence of Fayette, Ledbetter, Lindsey, Malone, Manasco, McBee, McCain, McCoy of Tallapoosa, Meadors, Menefee, Oliver, Palmer, Padgett, Prowman, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Thorn, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—39.

NAYS—Messrs. Bethea, Borden, Brandon, Clark of Lawrence, Clark of Mobile, Cox, Echols, Ellis, Gibson, Goodwin, Grant, Henry, Humphrey, Lanier, Lawrence of Cherokee, Leeper, Mabry, McAlexander, McCann, McKinstry, McMillan, Moore, Morse, Odum, Pierce, Potter, Raisler, Robinson of Chambers, Smith of Choctaw, Sturdivant, Vansandt, Walker, Waller, Whitfield and Woolf—36.

Mr. Leeper gave notice that he would move to reconsider the vote by which the Senate bill to construe the 1st section of an act, to authorize the lessees of the penitentiary to work the convicts outside the walls, approved December 7th, 1866, was lost.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed a bill —

To amend an act to authorize the court of county commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate Army, to peddle free of tax in their respective counties, approved February 18th, 1866.

WM. H. GARRETT, Secretary.

The Senate bill, to fix and establish the ratio and apportion representatives among the several counties of this State ;

Was read the third time, and passed.

The Senate bill, to increase the compensation of executors, administrators, guardians and county court commissioners in Lauderdale county ;

Was read the first, second and third times, under a suspension of the constitutional rule; and passed.

The Senate bill, to fix the pay and mileage of the officers and members of the General Assembly;

Was read the first and second times, under a suspension of the constitutional rule ;

Mr. Goodwin moved to amend the bill by striking out "five dollars" and inserting "four dollars" as the pay of representatives;

Mr. Smith of Jackson, moved to amend the amendment, by inserting "three dollars" ;

A division of the question being called for—

The vote being first taken on striking out "five dollars" ;

It was carried.

Mr. Robinson of Chambers, moved to insert "six dollars," as the pay of members ;

Which was adopted.

Yeas 40, nays 33.

YEAS—Messrs. Bethea, Borden, Bourland, Brandon, Chapman, Clark of Lawrence, Clark of Mobile, Cotten, Echols, Ellis, Faulk, Gibson, Grant, Hand, Hare, Henry, Humphrey, Lawrence of Cherokee, Leeper, Lindsey, Mabry, McCain, McCann, McCoy of Tallapoosa, McMillan, Meadors, Menefee, Moore, Odum, Pierce, Plowman, Potter, Robinson of Chambers, Smith of Choctaw, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield, and Woolf—40.

NAYS Messrs. Speaker, Ash, Caffey, Cox, Culver, Davis of Barbour, Davis of Bibb, Dobson, Gafford, Goldthwaite, Goodwin, Hawthorne, Lanier, Lawrence of Cherokee, Lawrence of Fayette, Malone, Manasco, McAlexander, McBee, McKinstry, Morse, Oliver, Palmer, Padgett, Raisler, Richardson, Robinson of Baldwin, Sheffield, Smith of Jackson, Thorn, Warren of Lawrence, Williams of Randolph, Wilhite, and Worthy—33.

Mr. Goodwin offered the following amendment :

Strike out "seven," and insert "ten," as the pay of the presiding officers of the two houses; also, strike out "seven," and insert "eight," as the pay of the principal clerk and secretary; also, strike out "five," and insert "six," as pay of assistant clerks and secretaries; and strike out "four," and insert "six" as pay of doorkeeper of House and Senate;

Mr. Thorn moved to indefinitely postpone the consideration of the bill ;

Which was lost.

Yeas 21, nays 53.

YEAS—Messrs. Speaker, Ash, Cotten, Cox, Davis of Barbour, Dobson, Echols, Gafford, Humphrey, Lanier, Lawrence of Fayette, Manasco, McKinstry, Palmer, Richardson, Robinson of Baldwin, Sheffield, Thorn, Williams of Randolph, Wilhite, and Worthy—21.

NAYS—Messrs. Bethea, Borden, Bourland, Brandon, Chapman, Clark of Mobile, Connelly, Culver, Davis of Bibb, Ellis, Faulk, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Lawrence of Cherokee, Ledbetter, Leeper, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Meadors, Menefee, Moore, Morse, Odum, Oliver, Padgett, Pierce, Plowman, Potter, Raisler, Robinson of Chambers, Smith of Choctaw, Smith of Jackson, Vansandt, Walker, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Jackson, and Woolf—53.

Mr. Goodwin's amendment was then adopted.

Mr. Menefee moved to reconsider the vote by which "6 dollars" was inserted as per diem for members ;

Which was lost.

Mr. Goodwin moved to suspend the rule to give the bill a third reading forthwith ;

Which was carried.

Yeas, 60 ; nays, 14.

YEAS—Messrs. Speaker, Bethea, Borden, Bourland, Brandon, Brooks, Chapman, Clark of Lawrence, Clark of Mobile, Connelly, Cotten, Cox, Craig, Culver, Davis of Barbour, Davis of Bibb, Dobson, Echols, Ellis, Faulk, Gafford, Gibson, Goldthwaite, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lanier, Lawrence of Cherokee, Ledbetter, Leeper, Lindsey, Mabry, Malone, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Tallapoosa, McMillan, Meadors, Moore, Morse, Odum, Palmer, Pierce, Potter, Raisler, Robinson of Chambers, Smith of Choctaw, Vansandt, Walker, Waller, Warren of DeKalb, Whitfield and Woolf—60.

NAYS—Messrs. Ash, Lawrence of Fayette, Menefee, Oliver, Padgett, Plowman, Richardson, Robinson of Baldwin, Smith of Jackson, Thorn, Williams of Jackson, Williams of Randolph, Wilhite and Worthy—14.

The bill was then read the third time, under a suspension of the constitutional rule, and passed.

Message from the Senate.

Mr. Speaker :

The Senate has amended the House resolution proposing that the two Houses adjourn *sine die* on Monday next, at 4 o'clock p. m., by striking out "Monday next, at 4 o'clock p. m.," and inserting in lieu thereof "Tuesday next."

WM. H. GARRETT, Secretary.

On motion of Mr. Davis of Bibb, the vote was reconsidered on the passage of the Senate bill—

To retrench the expenses of the State government ;

On motion of Mr. Meadors, the House adjourned until 9½ a. m., Monday morning.

MONDAY, February 18.

House met pursuant to adjournment.

Praÿer by the Rev. Mr. Vansandt.

On motion of Mr. Smith of Jackson, the reading of the journal was dispensed with for the purpose of taking up the Senate resolution amending the House resolution proposing an adjournment of the General Assembly on the 18th instant, at 4 o'clock, p. m., by striking out "Monday 18th," at 4 o'clock p. m., and inserting "Tuesday, 19th."

Mr. Gibson moved to amend by striking out "Tuesday, 19th," and inserting "Monday, 25th instant ;

Which was lost.

The House then concurred in the Senate amendment.

Mr. McKinstry, from the Judiciary Committee, reported favorably to the Senate bill—

To authorize the probate court of Montgomery county to appoint a special administrator on the estate of Jacob T. Bradford, for the special purpose of prosecuting a suit pending in the circuit court of Montgomery county, of said Jacob T. Bradford *vs.* John G. Winston ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Morse, from the Committee on Federal Relations, submitted the following report,

Which was concurred in :

The Committee on Federal Relations, to whom was referred the Governor's message of Friday, February 15, 1867, and

accompanying documents, have had the same under consideration, and instruct me to make the following report :

The committee entertain high respect for the eminent authority from which the proposition under consideration has emanated, and they have given the subject that serious and careful consideration which its importance demands ; and while they stand ready to compromise the unfortunate differences existing between the Federal and State Governments, upon equitable and constitutional principles, and are willing to yield all that should be demanded of an honorable people, yet they are unable to perceive any sound and valid reason why this General Assembly should submit the propositions referred to, to the Congress of the United States. They therefore believe that it is inexpedient for this General Assembly to act in reference to either of the propositions contained in the documents which accompany the message of His Excellency the Governor of Alabama, and so believing, have instructed me to report the same back to the House, with the recommendation that no further action be taken in the premises.

Mr. Bourland, from the Select Committee, appointed to examine the offices of the Comptroller and Treasurer, submitted the following report :

The Joint Committee appointed to examine the offices of the Comptroller and Treasurer, under sections 34, 35 and 36 of the Code of Alabama, respectfully reported :

That owing to the advanced period of the session in which the committee were charged with this duty, they have not been able to institute the thorough investigation contemplated by the Code. The examination of the books and papers of the Comptroller's office has been completed, and the accounts and vouchers for all warrants issued, found correct. No examination or comparison has been made of the receipts with the returns forwarded by tax collectors and other public officers, from the fact, that, with every diligence on the part of the committee, such examination could not be completed during the present session of the Legislature. An inspection of the vouchers in the Comptroller's department, has developed the fact that officers receiving regular salaries from the State, have, in some instances, received extra allowances for services performed outside the routine of the ordinary duties. These allowances have not been of much magnitude, and were undoubtedly in compensation for services actually rendered ; yet, the committee believing it wrong in principle, and calculated to encourage abuses prejudicial to the interests of the State, deem it their duty to express their disapprobation. The com-

mittee also find that large balances remain on the Comptroller's books to the credit of appropriations made in Confederate currency before the inauguration of the provisional government. In order to close the accounts, a bill is presented herewith, accompanied with the recommendation, that the same be passed. The committee also discover among the vouchers examined by them, those for the salary of a "keeper of the Capitol," whose most arduous duties consist in a quarterly visit to the treasury for the purpose of drawing his pay, which office the committee recommend should be abolished, and herewith present a bill for that purpose. Section 36 of the Code requires that the committee report whether the Comptroller has drawn any warrants without authority of law, specifying such as, in their opinion, were drawn without authority, and their reasons therefor. A certain class of expenditures appear to have been made during the last fiscal year, amounting to more than \$33,000 in payment for salaries of public officers and other items of indebtedness accruing before the inauguration of the provisional government, and payable, had the amounts been drawn when due, in Confederate currency. These payments are authorized by the Comptroller under the advice and opinion of the Attorney General as to the legal liability of the State.

The committee do not propose to question the legal conclusions of the Attorney General, but it is a matter of regret, that means were not taken to obtain a judicial decision from the Supreme Court of the State before recognizing expenditures of this character. The committee have also examined the books and vouchers of the Treasury Department, in part, and find the same to be correct. They have also counted the money in the Treasury and find the amount on hand, February 15th, 1867, to be by actual count \$107,361 55, on deposit. In Bank of Mobile \$41,449 08, making total of \$148,810 60—showing an overplus of \$197 91 over the balance shown by the books of the treasurer, which is \$148,612 72. All of which is respectfully submitted, with the request that the committee be discharged.

W. GARRETT,
E. H. MOREN,
J. M. JACKSON,

Committee on part of Senate.

F. B. CLARK,
B. E. BOURLAND,
S. LEEPER,

Committee on part of House.

Mr. Bourland, from the Select Committee to examine the offices of the Comptroller and Treasurer, reported the following bills:

Requiring the Comptroller to cancel certain appropriations;
To abolish the office of the Keeper of the Capitol;

Which were read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Whitfield, by leave, a bill—

To make appropriations for the fiscal year ending September 30th, 1861;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. Gibson, by leave, from the Committee on Local Legislation, reported favorably to the joint resolution inviting labor and capital into the State;

Which was read the third time, under a suspension of the constitutional rule, and adopted.

Message from the Senate by Mr. Duncan.

Mr. Speaker :

The Senate has passed the following House bills—

For the relief of Lewis Davis, of the county of Jackson;

For the relief of William Beach of Washington county, and Phillip Pritchett, and Lotty Pritchett, his wife, of Marshall county;

For the relief of Parmer A. Kendrick, jailor of Shelby county;

To incorporate the Selma Building and Loan Association;

For the relief of James Gober, of Franklin county;

To incorporate the Tuskegee Hook and Ladder Company;

To provide for the distribution of supplies to the destitute, and to provide for the punishment of officers and others for their misapplication;

For the relief of Joseph F. Fason, of Greene county;

To amend an act entitled an act to limit and construe an act approved January 30th, 1860, entitled an act to construe an act to construe section 1738 of the Code, and for other purposes;

To incorporate the Gainesville Manufacturing Company;

To incorporate the Alabama Mutual Life Insurance Company of Selma;

For the relief of maimed indigent soldiers of Alabama;

For the relief of N. D. Harper, late sheriff of Morgan county;

To incorporate the Sipsey Bridge Company ;

To amend section 152 of the Code ;

To amend the charter of the Mobile Exchange and General Insurance Company ;

In relation to suits against joint obligors ;

To amend an act entitled an act to incorporate the Fire and Mutual Insurance Company of Selma.

The Senate has amended as therein shown, and passed the House bill—

For the relief of Columbus D. Reeves and his present wife, of the county of Randolph, and M. A. Lambert, of Tallapoosa county.

The Senate concurs in the amendment of the House to the Senate bill—

To locate the county seat of Jackson county, and to build a court house and jail ;

To divide the State into six congressional districts ;

For the allowance of offsets in certain cases, where the statute of limitations is pleaded.

The Senate disagrees to the amendments of the House to the Senate bills—

To provide for the just and legal distribution of the school fund for the years 1865 and 1866 ;

To declare judgments liens upon the property of defendants.

The Senate has amended the House amendment to the Senate bill—

To fix the pay of the Reporter of the decisions of the Supreme Court ;

And, as amended, concurs in the same.

The Senate has originated and passed a bill—

To incorporate the North Alabama Manufacturing company.

WM. H. GARRETT, Secretary.

Mr. Brooks moved to suspend the order of business, to enable him to introduce joint resolutions authorizing the people to call a convention ;

Which was lost.

Yeas 34, nays 45.

YEAS—Messrs. Speaker, Ash, Brooks, Caffey, Clark of Lawrence, Cotten, Cox, Craig, Davis of Barbour, Davis of Bibb, Doster, Ferguson, Gafford, Gibson, Goodwin, Grant, Hand, Lawrence of Cherokee, Leeper, Malone, McCain, McCann, McCoy of Russell, McCoy of Tallapoosa, Morse, Odum, Palmer, Richardson, Smith of Choctaw, Smith of Jackson, Vansandt,

Warren of Lawrence, Williams of Jackson and Williams of Randolph—34.

NAYS—Messrs. Bethea, Borden, Bourland, Brandon, Bush, Chapman, Connelly, Culver, Dobson, Echols, Ellis, Faulk, Goldthwaite, Hare, Hawthorne, Henry, Humphrey, Lawrence of Fayette, Ledbetter, Lindsey, Mabry, Manasco, McAlexander, McBee, McKinstry, McLester, McMillan, Meadors, Menefee, Moore, Oliver, Padgett, Pierce, Potter, Raisler, Robinson of Baldwin, Seawell, Sheffield, Thorn, Waller, Warren of DeKalb, Whitfield, Wilhite, Woolf and Worthy—45.

The House refused to concur in the substitute to the bill—

To provide for the distribution of supplies to the destitute, and to provide for the punishment of officers and others for their misapplication.

The House refused to concur in the Senate amendment to the bill—

For the relief of Columbus D. Reeves and his present wife, of the county of Randolph; and M. A. Lambert, of Tallapoosa county.

Message from the Senate :

Mr. Speaker :

The Senate disagrees to the House amendment to the Senate bill—

To fix the pay and mileage of the officers and members of the General Assembly.

The Senate has originated and passed the following bills :

To authorize the Secretary of State to furnish books to the Solicitor of the 4th Judicial Circuit;

To more effectually provide for the organization of Elmore county;

To extend the charter of the Mobile and Great Northern Railroad Company;

For the relief of Abram D. Drake and others;

To repeal section 1556 of the Code;

To incorporate the Alabama Mining, Manufacturing and Transportation Company.

WM. H. GARRETT, Secretary.

GENERAL ORDERS.

The House concurred in the amendment of the Senate to the amendment of the House to the Senate bill—

To fix the pay of the reporter of the Supreme Court Decisions.

The House insists on its amendment to the Senate bill—

To provide for the just and equitable distribution of the school fund for the years of 1865 and 1866.

The Senate bill—

To more effectually provide for the organization of Elmore county—

Was read three times, under a suspension of the constitutional rule, and passed.

The Senate bill—

To extend the charter of the Mobile and Great Northern Railroad Company ;

Was read three times, under a suspension of the constitutional rule, and passed.

The House insisted upon its amendment to the Senate bills—

To declare judgments liens upon the property of defendants;

The Senate bill, to incorporate the Memphis and Elyton Railroad Company ;

Was read the first, second and third times, under a suspension of the constitutional rule ;

Mr. McCoy of Russell, offered the following amendment,

Which was laid on the table:

“SEC. —. That said corporation or owners of said road shall never sell or dispose of said road or charter, and if such road or charter shall be sold or disposed of, the said charter shall be forfeited” ;

Mr. McCoy of Russell, offered the following amendment ;

SEC. —. *Be it further enacted*, That the bonds of said road shall not be endorsed by the State of Alabama.”

Lost.

Yeas 52; nays 13.

YEAS—Messrs. Ash, Bethrea, Borden, Bourland, Brandon, Caffey, Connelly, Craig, Davis of Barbour, Davis of Bibb, Doster, Echols, Ellis, Faulk, Ferguson, Gafford, Gibson, Hand, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Malone, McBee, McCain, McCann, McKinstry, McLester, McMillan, Morse, Oliver, Palmer, Padgett, Pierce, Potter, Smith of Choctaw, Smith of Jackson, Thorn, Tompkins, Vansandt, Waller, Warren of DeKalb, Warren of Lawrence, Whitfield, Williams of Randolph, Willhite, Woolf and Worthy—52.

NAYS—Messrs. Clark of Lawrence, Cotten, Culver, Cox, Goodwin, McAlexander, McCoy of Russell, McCoy of Tallapoosa, Meaders, Menefee, Odum, Raisler and Richardson—13.

Mr. Goodwin moved to amend by striking out the 8th section of the bill ;

Which was lost.

Mr. McCoy of Russell, moved to postpone the further consideration of the bill until to-morrow, and make it the special order of the hour of 12 M.

Which was lost :

Yeas 19, nays 40.

Mr. Clark of Lawrence, offered the following amendment ;

Provided. That the amount of \$100,000 shall be paid in before the issuance of the two millions of bonds, as proposed in the charter ;

Which was adopted ;

YEAS—Messrs. Speaker, Borden, Bourland, Brandon, Clark of Lawrence, Cotten, Cox; Davis of Bibb, Gibson, Goodwin, Hand, Hawthorne, Lawrence of Cherokee, Ledbetter, Lindsey, Mabry, Malone, McAlexander, McBee, McCain, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Menefee, Moore, Palmer, Padgett, Potter, Ruisler, Richardson, Robinson of Baldwin, Seawell, Smith of Choctaw, Smith of Jackson, Warren of DeKalb, Warren of Lawrence, Williams of Jackson, Williams of Randolph, Wilhite and Woolf—42.

NAYS—Messrs. Bethea, Caffey, Craig, Davis of Barbour, Doster, Echols, Faulk, Gafford, Hare, Hawthorne, Henry, Lawrence of Fayette, McKinstry, Oliver, Pierce, Sheffield, Thorn, Williams of Randolph, and Worthy—19.

The vote being taken on motion to suspend the constitutional rule, to give the bill a third reading forthwith,

It was lost.

The bill was then ordered to a third reading on to-morrow.

Message from the Senate :

Mr. Speaker :

The Senate insists on its disagreement, and asks for a Committee of Conference, consisting of Messrs. Barnes, Cooper and Forney, as Senate Committee, on the bill to declare judgments liens upon the property of defendants.

Also, on the bill to fix the pay and mileage of the officers and members of the General Assembly, consisting of Messrs. Moren, Garrett, and Powell of Tuscaloosa, as Senate Committee.

W. H. GARRETT, Secretary.

The Senate bills—

For the relief of James Allen, of DeKalb county ;

To allow Bolling Hall to establish a ferry across the Alabama River, opposite the city of Montgomery;

To allow John W. Hughes, administrator of C. A. Clapp, deceased, to sell the interest of said decedent in the ferry and ferry landings, and land attached thereto, opposite the city of Montgomery, Ala. ;

To authorize the construction of street railroads in the city of Montgomery ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Senate :

Mr. Speaker :

The Senate has originated and passed the following bills :

For the relief of John G. Winter of the county of Montgomery ;

To amend an act to establish the time of holding the regular annual meeting of the General Assembly of the State of Alabama.

The Senate has passed the House bills—

To provide for the improvement of the river, harbor and bay of Mobile ;

For the relief of Emma Dellett Desha, and for the relief of the heirs of Hindman Barney, deceased ;

To incorporate the Decatur and Guntersville Railroad Co.

To remove the administration of the estate of William Barney, deceased, from the county of Tallapoosa to the county of Macon ;

To amend section 1143 of the Code of Alabama, so far as the same relates to the county of Limestone ;

For the relief of Cornelia Ann Nall of the county of Choctaw, Elizabeth Morris of the county of Walker and Elizabeth Morris of Marshall county ;

To authorize the trustees of township 1, range (9) East, in Jackson county, to erect school houses ;

To increase the fees of the county officers of Washington county ;

To amend an act to authorize the substitution of lost records of judgment, and decrees of courts and other records.

WM. H. GARRETT, Sec'y.

The Senate bill to change the boundary line between the counties of Baine, Blount and St. Clair,

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Senate:

Mr. Speaker:

The Senate has originated and passed a bill—

To incorporate the Mobile and St. Louis Transportation and Insurance company.

The Senate has amended, by way of a substitute, and passed the House bill—

To permanently exempt real and personal property from levy or sale under any legal process, for the use of families in this State.

W. H. GARRETT, Secretary.

The House refused to concur in the amendment of the Senate to the House bill—

To permanently exempt real and personal property from levy or sale under any legal process, for the use of families in this State.

Yeas, 12; nays, 48.

YEAS—Messrs. Ash, Doster, Grant, Hand, Lindsey, Malone, McAlexander, McLester, Moore, Palmer, Warren of DeKalb, and Whitfield—12.

NAYS—Messrs. Speaker, Bethea, Bourland, Brandon, Caffey, Cotten, Cox, Craig, Culver, Davis of Bibb, Echols, Ellis, Faulk, Ferguson, Gafford, Gibson, Goldthwaite, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Manasco, McBee, McCain, McKinsty, Meadors, Menefee, Morse, Odum, Padgett, Pierce, Potter, Richardson, Seawell, Sheffield, Smith of Choctaw, Thorn, Vansandt, Waller, Warren of Lawrence, Williams of Jackson, Woolf, and Worthy—48.

The House adjourned until 3½ o'clock, p. m.

AFTERNOON SESSION, 3½ o'clock.

The House met pursuant to adjournment.

Mr. McCoy of Russell, by leave, a bill to regulate the time of holding circuit courts in the county of Lee;

Which was read three times, under a suspension of the constitutional rule, and passed.

Mr. McKinsty submitted the following report:

Your Committee of Conference on the Senate bill—

To be entitled an act to declare judgments liens upon the property of defendants ;

Beg leave to report : That inasmuch, as by the laws of this State, all judgments are liens on all of the property in the State until the 23d of February, 1866, and the construction of the law as to such liens will leave all parties in their priorities, according to the date of the rendition, and the House amendments will produce the effect of creating a contest between all junior judgments and such old judgments, the effect of which would be to oppress and harrass the debtor, your committee are of the opinion that the House should recede from the House amendment.

ALEX. MCKINSTRY, Ch'n House Com.
W. H. BARNES, Ch'n Senate Com.

The report of the committee was concurred in.

The House concurred in the Senate amendment to the bill to provide for the distribution of supplies to the destitute, and to provide for the punishment of officers and others for their misapplication.

Mr. Moore, by leave, introduced a bill—

To require the Comptroller to furnish judges of probate with tax stamps, as therein provided;

Which was read three times, under a suspension of the constitutional rule, and passed.

The bill for the relief of Samuel Henry, of Cherokee county;

Was read the third time, under a suspension of the constitutional rule, and passed.

The Senate bills—

To authorize the Secretary of State to furnish books to the solicitors of the 4th and 12th judicial circuits ;

For the relief of John G. Winter, of Montgomery county;

To incorporate the Turner-Verein, (Montgomery Gymnasium) ;

To change the boundary line between the counties of Lee and Chambers ;

To incorporate the Indian Hill Manufacturing Company;

Were read severally three times, and passed.

The Senate bill—

For the relief of Abram D. Drake, of Randolph county, and others therein named ;

Was read twice, under a suspension of the constitutional rule, and

On motion of Mr. Smith of Choctaw,

Was laid on the table.

Message from the Senate by Mr. Garrett :

Mr. Speaker :

The Senate has originated and passed the following bills :

To divide the State into Senatorial Districts; and provide for the election of Senators to the General Assembly.

W. H. GARRETT, Secretary.

The Senate bills—

To amend the charter of the town of Florence ;

To fix the pay of the county commissioners of the county of Elmore ;

To amend section 8 of an act to regulate the agencies of insurance companies not incorporated by the State of Alabama, approved Feb. 24, 1860 ;

To authorize the city of Montgomery to issue twenty-five thousand dollars to circulate as money in change bills in denominations from one to five dollars, in lieu of outstanding mutilated issue of the city, legalized by an act of the General Assembly of Alabama, approved February 20, 1866 ;

To authorize the corporate authorities of the town of Greensboro to levy and collect a special tax, to provide a court house and jail, for Hale county ;

To incorporate the Manassas Club of Mobile ;

To attach the counties of Baine, Cleburne and Clay, to the 35th, 36th, and 37th chancery districts ;

Which was read severally the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the Senate.

Mr. Speaker :

The Senate insists on its disagreement to the Senate bill—

To provide for the just and legal distribution of the school fund for the years 1865 and 1866, and asks a committee of conference of the two Houses ;

Messrs. Sykes, Hackabee and Gage, are appointed the committee on the part of the Senate:

The Senate has originated and passed a bill—

To amend an act entitled an act to change the name of the Coosa Manufacturing Company to the Bradford Manufacturing Company, approved December 12, 1849.

The Senate agrees to the conference committee, asked to confer on the exemption bill ;

Messrs. Lindsay, Barnes and Forney, are appointed the committee on the part of the Senate.

The House agrees to the conference committee, asked to confer on the Senate bill—

To provide for the just and legal distribution of the school fund for the years 1865 and 1866, and

Messrs. Goodwin, Borden, Doster, Whitfield and Cox, on the part of the House.

Message from the Senate.

Mr. Speaker :

The Senate recedes from the amendment to the House amendment to the Senate bill to authorize a chancery district of certain counties therein named.

The Senate bill to amend an act to authorize the court of county commissioners of this State to license and permit wounded and disabled soldiers in the late Confederate army to peddle free of tax in their respective counties, approved February 19, 1866 ;

Was read the first and second times, under a suspension of the constitutional rule, and ordered to a third reading to-morrow.

The Senate bills—

To amend section 710 of the Penal Code ;

To amend an act to authorize the commissioners court of Chambers and Montgomery counties to issue treasury notes to pay the present indebtedness of said counties, and to pay for the building of bridges, enlarging and repairing the court house and jail, and for other purposes ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Manasco, a bill for the relief of James P. Little, Elias Steedman and Wm. Wakefield, of Walker county ;

Was taken from the table and read the third time, under a suspension of the constitutional rule, and passed.

Yeas, 36 ; nays, 23.

YEAS—Messrs. Speaker, Ash, Bathea, Borden, Caffey, Craig, Davis of Barbour, Davis of Bibb, Echols, Ellis, Faulk, Ferguson, Gibson, Hand, Hardie, Hare, Henry, Humphrey, Lawrence of Fayette, Mabry Malone, Manasco, McKinstry, Moore, Morse, Pierce, Plowman, Raiford, Richardson Sheffield, Smith of Choctaw, Warren of DeKalb, Warren of Lawrence, Williams of Randolph and Wilhite and Worthy—36.

NAYS—Messrs. Bourland, Bosh, Clark of Lawrence, Connelly, Cotten, Grant, Hawthorne, Lawrence of Cherokee, Leeper,

McCann, McCoy of Russell, McCoy of Tallapoosa, McLester, McMillan, Meadors, Menefee, Padgett, Robinson of Baldwin, Vansandt, Waller, Whitfield, Williams of Jackson, and Woolf—23.

The Senate bill to repeal section 1556 of the Code, was read once, and

Mr. McCoy of Russell moved to lay the bill on the table ;
Which was lost. Yeas, 26 ; nays, 34.

YEAS—Messrs. Caffey, Clark of Lawrence, Connelly, Dobson, Ellis, Grant, Hand, Hawthorne, Lindsey, Mabry, Malone, McAlexander, McCain, McCoy of Russell, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Moore, Padgett, Raisler, Robinson of Baldwin, Thorn, Vansandt, Whitfield and Wilhite—26.

NAYS—Messrs. Speaker, Bourland, Brandon, Cotten, Craig, Davis of Barbour, Davis of Bibb, Echols, Eaulk, Ferguson, Gafford, Gibson, Hare, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper Manasco, McCann, Menefee, Morse, Pierce, Plowman, Potter, Raisler, Sheffield, Smith of Choctaw, Smith of Jackson, Warren of Lawrence, Williams of Jackson, Woolf and Worthy—31.

Mr. Morse moved to suspend the rule, and give the bill a second reading forthwith ;

Which was lost.

The bill was then ordered to be read a second time on to-morrow.

Mr. Smith of Jackson, by leave, introduced joint resolutions on the subject of Federal Relations ;

Which was read once, and

On motion of Mr. Pierce, were laid on the table.

Yeas, 32 ; nays, 27.

YEAS—Messrs. Bethea, Connelly, Craig, Dobson, Echols, Ellis, Ferguson, Goldthwaite, Hare, Hawthorne, Lawrence of Fayette, Lindsey, Mabry, Manasco, McAlexander, McCoy of Tallapoosa, McKinstry, McLester, McMillan, Menefee, Oliver, Pierce, Raisler, Richardson, Robinson of Baldwin, Sheffield, Thorn, Tompkins, Wilhite, Woolf and Worthy—32.

NAYS—Messrs. Speaker, Ash, Brandon, Caffey, Davis of Bibb, Gafford, Gibson, Goodwin, Grant, Hand, Henry, Humphrey, Lawrence of Cherokee, Ledbetter, Malone, McCain, McCann, Morse, Palmer, Padgett, Potter, Smith of Jackson, Vansandt, Waller, Warren of Lawrence, Williams of Jackson, and Williams of Randolph—27.

On motion of Mr. Worthy,

The House adjourned until 9½ a. m. to-morrow.

TUESDAY, February 19.

The House met pursuant to adjournment.

Prayer by Rev. Mr. Vausandt.

The journal was read and approved.

Message from the Senate by Mr. Duncan :

Mr. Speaker :

The Senate has passed the following House bills :

In relation to fences, the protection of crops and other property, in Sumter and Pickens counties;

To provide for the pay of grand and petit jurors in this State;

To authorize the commissioners court of the county of Lee to levy a special tax ;

To authorize the Secretary of State to issue a land patent to Alvin Ryland, of Coffee county ;

To relieve J. T. Potter, of Macon county ;

To incorporate the Washington Fire and Marine Insurance Company of Mobile ;

Requiring the comptroller to cancel certain appropriations ;

To authorize George H. Houston, of the State of Georgia, one of the executors of the will of William B. S. Gilmer, to execute the will in this State.

The Senate has amended as therein shown, and passed the House bill—

To amend an act to define the powers of justices of the peace in Dallas, Pickens, and other counties ;

To incorporate the Marengo Manufacturing Company.

The Senate has also passed the House bills—

To give the probate court authority to grant guardians permission to hire labor and carry on plantations of their wards ;

To require the judges of probate to keep an account of fees accruing to sheriffs ;

Supplementary to an act to incorporate the Coosa and Chattooga River Railroad Company, approved January 6, 1862 ;

To allow additional compensation to the judge of probate of Wilcox county ;

For the relief of St. Clair county ;

To change the name of the Tennessee and Alabama Central Railroad Company.

The Senate has originated and passed the following bills :

To prevent the payment of claims against the State unless an appropriation has been made for that purpose ;

To provide for the special terms of the circuit court for Bullock county ;

To authorize a consecutive numbering of the chancery districts of the different chancery divisions in this State ;

To provide for the issuing of certificates or receipts by the State ;

To provide for a temporary loan for the State ;

To fix the time of holding the circuit courts in the counties of Lowndes and Montgomery ;

To authorize the holding of a chancery court for the county of Crenshaw ;

To fix the time of holding the next spring term of the circuit court of Coosa county ;

Supplemental to an act establishing revenue laws for the State of Alabama ;

To incorporate the Montgomery Female College, in the county of Montgomery ;

The more effectually to secure the remaining solvent, available assets of the State Bank and branches ;

The Senate has also passed House bills :

To provide the mode of giving constructive notice of a motion to enter satisfaction of judgment, or set aside such entries, when the party has removed from or resides out of the State ;

To amend section 1642 of the Code ;

To incorporate the Grand Falls Manufacturing company ;

To authorize the commissioners court of Jones county to levy a special tax to build a court house and jail ;

To prohibit the holding of public markets and trading therein on Sunday ;

To incorporate the Demopolis Fire and Marine Insurance company ;

To regulate the time of holding the circuit court in Lee county ;

To require the Comptroller to furnish judges of probate with tax stamps, as therein provided ;

For the relief of James P. Little, Elias Steedman, and Wm. Wakefield, of Walker county ;

To authorize William Kirkland to erect a dam across Sugar-notchie river, near the town of Livingston, in Sumter county ;

For the relief of Samuel Henry, of Cherokee county ;

For the relief of Thos. D. Garner, of Morgan county ;

To create a chancery district in the southern chancery division, out of the counties of Chambers and Lee.

The Senate concurs in the report of the conference committee, reporting a substitute to the Senate bill—

To provide for a just and legal distribution of the school fund for the years 1865 and 1866.

Also, adopted House joint resolutions in reference to the Tuscaloosa Scientific and Art Association.

And has amended as therein shown, and passed House bill—

To make appropriations for the fiscal year ending September 30, 1867.

And has originated and passed a bill—

To add the county of Bullock to the 13th chancery district, and provide for holding the chancery court in the same.

WM. H. GARRETT, Secretary.

Message from the Governor, by Mr. Dixon.

Mr. Speaker:

The Governor has approved bills of the following titles :

To change the time of payment of the salaries of officers in the State of Alabama ;

To authorize Mrs. C. F. Adair, widow of Weyman Adair, deceased, late of Talladega county, to sell a one half interest in a mill site, and water power, for money, property, or labor advanced, to erect a mill or other machinery in lieu of one washed off by a freshet ;

For the relief of John Callahan, of Montgomery county.

To exempt justices of the peace and constables from jury duty ;

To incorporate the town of Summerfield, in Dallas county ;

To continue in force the right of the Selma and Montgomery Navigation company ;

To amend and revive the charter of the Coosa and Chattooga River Railroad company ;

To authorize the Governor to institute suit in certain cases ;

To declare certain citizens therein named, to be citizens of Calhoun county ;

To attach a part of township 6, range 17, in Covington county to the county of Crenshaw ;

To amend an act entitled an act to empower the commissioners court of Winston county to issue bonds and levy a special tax, approved December 11, 1865 ;

To compel administrators, executors, guardians and trustees, to continue the administration and settlement of estates ;

To amend section 1691 of the Code of Alabama ;

To provide a special Supreme Court in certain cases ;

To amend the charter of the Mobile Exchange and General Insurance Company ;

To establish a county court for Pike county, and to repeal section 387 of the Penal Code, so far as it applies to Pike county ;

To incorporate the town of Auburn ;

To construe an act entitled an act to extend the jurisdiction of courts of chancery in the settlements of insolvent estates ;

To authorize the legal representatives of Wm. B. Watt, late of Randolph county, deceased, to compromise with the late guardian of the decedent ;

For the relief of Mary J. Jones, of Sumter county ;

To authorize the commissioners court of the county of Pickens, to purchase lands upon which to locate and provide for the poor of the county ;

To incorporate the Harmonie Club of Montgomery county ;

To repeal certain acts to amend the charter and fix the Eastern boundary of the city of Montgomery ;

To repeal section 2 of an act incorporating Lineville Male and Female Academy, approved February 9th, 1860, and substitute a section in lieu thereof as section 2 ;

To establish a Medical Board for Elmore county ;

To authorize the administrator of Stanford Mimms, deceased, late of Monroe county, to rent or sell the lands of said estate by private contract.

S. H. DIXON,
Private Secretary.

Mr. Hawthorne, a bill to make Catherine C. Jones, wife of Amos Jones, of Wilcox county, a free dealer ;

Which was read twice ;

When Mr. McCoy of Russell, moved to amend by adding the name of Jane Sledge of Lee county ;

Which was lost.

Mr. Woolf, by adding the name of Caroline M. Coleman, of Marengo county ;

Which was lost.

The bill was read the third time, and lost.

Senate bills :

To amend an act to change the name of the Coosa Manufacturing Company, to the Bradford Manufacturing Company, approved December 12th, 1849 ;

Supplemental to an act establishing Revenue Laws of the State of Alabama ;

In relation to appeals from judges of probate ;

To increase the legal effects of deeds in which married

women join with their husbands conveying the lands of their said husbands ;

To compensate sheriffs and coroners of this State in cases levying attachments, when the cases are settled or property replevied ;

To prevent the destruction of unclaimed freights, and to regulate the disposition thereof ;

To fix the times of holding the circuit courts in the counties of Lowndes and Montgomery ;

To alter and amend an act entitled an act to incorporate the Chunnenuggee Female College of Macon county ;

To provide for the compensation of Thos. B. Williams, late judge of probate of Morgan county ;

To incorporate the Alabama Pioneer and Manufacturing Company ;

To amend an act to establish the time of holding the regular annual meetings of the General Assembly of the State of Alabama ;

To regulate the hiring of servants for the State ;

To authorize the clerk of the city court of Selma, to issue such attachments as Clerks of the circuit court of this State are authorized to issue ;

To incorporate the Mobile Camel Company ;

To incorporate the Franklin Academy in Monroe county ;

To incorporate the Selma Hebrew Association ;

To renew and continue in force an act entitled an act to authorize the erection of a toll bridge over North river, in Tuscaloosa county, approved February 4, 1840 ;

To authorize the removal of the administration of the estate of S. P. Baskin, from the county of Pike to the county of Bullock ;

To authorize the commissioners court of the county of Bullock to issue treasury notes for the purpose of building a court house and jail, building and repairing bridges, and for other purposes ;

For the relief of Levi Pitts of Jackson county ;

To amend section 97 of the Code ;

To authorize the Government Street Railroad Company and extend the powers thereof ;

To define the powers of the commissioners court of Bullock county ;

Were read three times under a suspension of the constitutional rule and passed.

The House concurred in the Senate amendments to the House bill—

To make appropriation, for the fiscal year ending September 30, 1867 ;

The House recedes from its amendment to Senate bill—

To authorize executors and administrators to rent lands privately ;

House joint resolution to authorize the Governor to appoint a commission to collect and embody true and reliable information of the climate, soil, agricultural, manufacturing, mineral and commercial resources and capacities, the social status and educational facilities, &c., of Alabama, with homestead and exemption laws ;

Were read a third time, and lost.

REPORT FROM SELECT COMMITTEE.

The conference committee to whom was referred Senate bill entitled an act to provide for the just and legal distribution of the school fund for the years 1865 and 1866, and the House substitute for the same, have had the same under consideration, and agreed to report the following bill as a substitute for both bills, and recommend its passage ;

Which report was concurred in by the House.

Mr. Worthy reported a substitute to House bill—

To permanently exempt real and personal property from levy and sale under any legal process for the use of families of this State ;

Mr. McCoy of Russell, moved to lay the whole subject on the table ;

Which was lost.

Yeas, 20 ; nays, 41.

YEAS—Messrs. Bordon, Davis of Bibb, Doster, Ellis, Gafford, Grant, Lindsey, Malone, McBee, McCann, McCoy of Russell, McKinstry, McLester, Meuefee, Moore, Oliver, Palmer, Potter, Robinson of Baldwin, Warren of DeKalb, and Whitfield—20.

NAYS—Messrs. Speaker, Bethea, Bourland, Brandon, Caffey, Clark of Lawrence, Connelly, Cox, Culver, Echols, Ferguson, Gibson, Goldthwaite, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Manasco, McAlexander, McKinstry, Morse, Odum, Padgett, Pierce, Plowman, Raisler, Richardson, Seawell, Sheffield, Thorn, Tompkins, Waller, Warren of Lawrence, Williams of Jackson, Woolf and Worthy—41.

The substitute was then concurred in.

Yeas, 36 ; nays, 24.

YEAS—Messrs. Bethea, Bourland, Brandon, Caffey, Cox, Craig, Culver, Echols, Ferguson, Gibson, Goodwin, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Mabry, Manasco, McKinstry, Morse, Odum, Padgett, Pierce, Ploverman, Raisler, Seawell, Sheffield, Thorn, Tompkins, Waller, Warren of Lawrence, Williams of Jackson, Woolf and Worthy—36.

NAYS—Messrs. Speaker, Davis of Bibb, Doster, Ellis, Gafford, Goldthwaite, Grant, Hand, Lindsey, McAlexander, McBee, McCann, McCoy of Russell, McLester, McMillan, Meneff, Moore, Oliver, Palmer, Richardson, Robinson of Baldwin, Warren of DeKalb, Whitfield and Wilhite—24.

Mr. Ferguson, a bill to create a new chancery district in the southern chancery division ;

Which was read three times, under a suspension of the constitutional rule, and passed.

Senate bill—

To incorporate the Turner Verein (Montgomery Gymnasium ;)

Was read three times, under a suspension of the constitutional rule, and passed.

Message from the Senate.

Mr. Speaker :

The Senate has originated and passed the following bills :

To authorize Charles M. Cabot, and Thomas C. Smith to establish a ferry across the Tallapoosa River ;

In relation to the penitentiary of this State.

The Senate concurs in the report of the Committee of Conference proposing that the Senate agree to the amendments of the House to the Senate bill ;

To fix the pay and mileage of the officers and members of the General Assembly.

WM. H. GARRETT, Secretary.

REPORT.

The Committee of Conference, on the part of the Senate and House of Representatives, to which was referred the Senate bill, amended by the House, to be entitled an act to fix the pay and mileage of officers and members of the General Assembly, have had the same under consideration, and instructed

me herewith to report the bill back as amended by the House, and as amended, recommends its passage.

E. H. MOREN,
W. GARRETT,
Senate Committee.
N. L. WHITFIELD,
J. W. ECHOLS,
JOSH. MORSE,
House Committee.

Mr. Ferguson introduced joint resolutions approving the Southern University series of School books ;

Which was adopted.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this General Assembly approve the effort making by the University of Virginia to furnish the youth of the country with standard text books, and recommend the same to the favorable consideration of teachers and school officers throughout the State.

The House then adjourned until 3½ p. m.

AFTERNOON SESSION.

Message from the Senate.

Mr. Speaker :

The Senate refuses to concur in the report of the Conference Committee upon the matters of disagreement between the two Houses upon the House bill to exempt from levy and sale certain real and personal property for the use of every family in this State.

And asks for another committee of conference upon the matters of disagreement.

Messrs. Garrett, Bulger, and Cooper, are the committee on the part of the Senate.

The Senate has passed the House bill—

To amend section 2206 of the Code.

And the Senate has originated and passed a bill—

To authorize judges of the circuit court to credit and adjust certain claims.

WM. H. GARRETT, Secretary.

Messrs. Bethea, Echols, and Pierce, were appointed the new conference committee asked for by the Senate, to confer on the exemption bill.

Senate bills—

To authorize the holding of a chancery court for the county of Crenshaw ;

In relation to the Penitentiary of this State ;

To authorize Charles M. Cabot and Thos. E. Smith to establish a ferry across the Tallapoosa river ;

To incorporate the North Alabama Manufacturing company ;

To provide for a temporary loan for the State ;

To provide for the issuing of certificates or receipts by the State ;

To incorporate the Alabama Mining and Manufacturing company ;

To incorporate the Gadsden Real Estate and Building company ;

To authorize W. L. Garey to make a canal therein named, and authorize him to charge toll ;

To incorporate the Mobile and St. Louis Transportation and Insurance company ;

To provide for the collection of taxes in Perry county, for the payment of the tax on real estate, and for the relief of the tax assessor of said county ;

To provide a special term of the circuit court for Bullock county ;

To increase the pay of the members of the commissioners court of Montgomery county ;

Were read three times, under a suspension of the constitutional rule, and passed.

The Senate bill to divide the State into Senatorial districts, and provide for the election of senators to the General Assembly ;

Was taken up and read twice, when Mr. Moore moved to amend by making the first district consist of Clark, Choctaw, and Washington ; second, Monroe, Baldwin, and Conecuh ; third, Covington and Coffee ;

Which amendments were lost.

Mr. Warren of Lawrence moved to amend by striking out "Marion," from the 24th district, and insert "Walker ;" strike out "Colbert," from the 25th district, and insert "Marion."

To the 26th district, add "Colbert ;" from the 27th district, strike out "Walker ;"

Which amendments were lost.

The rule was then suspended to give the bill a third reading.

Yeas 54 ; nays 8.

YEAS—Messrs. Speaker, Ash, Bethea, Borden, Bourland, Brandon, Bush, Caffey, Cox, Craig, Culver, Davis of Bibb,

Dobson, Doster, Ellis, Ferguson, Gibson, Goodwin, Grant, Hand, Hare, Hawthorne, Henry, Humphrey, Lawrence of Cherokee, Lawrence of Fayette, Ledbetter, Leeper, Mabry, Malone, Manasco, McAlexander, McBee, McCain, McCann, McCoy of Russell, McKinstry, McLester, McMillan, Menefee, Palmer, Padgett, Pierce, Potter, Robinson of Baldwin, Seawell, Thorn, Tompkins, Whitfield, Williams of Jackson, Williams of Randolph, Woolf, and Worthy—54.

NAYS—Messrs. Clark of Lawrence, Cotten, Lindsay, Meadors, Moore, Oliver, Warren of Lawrence, and Wilhite—8.

The bill was then read the third time, and passed.

The Senate bill—

To repeal section 1556 of the Code,

Was read a second time ;

When Mr. Cox moved to amend by way of a substitute ;

Which was adopted ;

And ordered to a third reading on to-morrow.

Vote on adoption of Mr. Cox's substitute—yeas 27 ; nays 25.

YEAS—Messrs. Speaker, Caffey, Connelly, Cox, Culver, Dobson, Doster, Echols, Gibson, Goodwin, Grant, Hawthorne, Henry, Humphrey, Lawrence of F., Mabry, Malone, McBee, McKinstry, McLester, Odum, Padgett, Robinson of Baldwin, Thorn, Tompkins, Warren of DeKalb, Whitfield and Worthy—27.

NAYS—Messrs. Bethea, Bourland, Brandon, Clark of Lawrence, Cotten, Goldthwaite, Hare, Humphrey, Lawrence of Cherokee, Ledbetter, Lindsey, McAlexander, McCann, McCoy of Russell, Morse, Palmer, Pierce, Potter, Raisler, Richardson, Sheffield, Warren of Lawrence, Williams of Randolph, Wilhite and Woolf—25.

Mr. Bethea, from the Conference Committee, on the bill—

To permanently exempt real and personal property from levy and sale in this State, &c. ;

Reported back the bill, with an amendment ;

Which was then concurred in by the House.

ROLL CALL.

Present—Messrs. Speaker, Borden, Bourland, Brandon, Clark of Lawrence, Cox, Craig, Doster, Echols, Ellis, Ferguson, Goldthwaite, Goodwin, Grant, Hardie, Hare, Hawthorne, Lawrence of Fayette, Mabry, Malone, McAlexander, McBee, McCoy of Russell, McKinstry, McLester, McMillan, Menefee, Moore, Morse, Padgett, Pierce, Plowman, Potter, Raisler,

Robinson of Baldwin, Sheffield, Tompkins, Whitfield, Woolf and Worthy—41.

The Senate bill—

To add the county of Bullock to the 13th district, and provide for holding the chancery court in the same ;

Was read twice, and laid on the table.

The Senate bill—

To fix the time of the next spring term of the circuit court of Coosa county ;

Was read three times, under a suspension of the constitutional rule, and passed.

Mr. Grant offered the following protest ;

Which was ordered spread upon the journal :

The undersigned protests against the passage of the bill called the Exemption Law, because it does not leave to the laborer any means of enforcing the payment of wages for his labor.

JOHN GRANT.

Message from the Senate :

Mr. Speaker :

The Senate has passed the House bill :

To regulate the fees of the officers of Bullock and Russell counties ;

To create a new chancery district in the Southern chancery division ;

And adopted the joint resolutions, approving the Southern University series of school books.

The Senate concurs in the report of the committee of conference of the two Houses on the exemption bill.

Message from the Governor :

Mr. Speaker :

The Governor has approved the following bills which originated in the House of Representatives :

To authorize the Secretary of State to issue a land warrant to Alvin Ryland of Coffee county ;

For the relief of Matilda Preslar of the county of Choctaw ;

In relation to suits against joint obligors ;

To incorporate the Selma Cotton Press Company ;

To authorize the trustees of township 1, Range 9, East, in Jackson county, to build a school house ;

To make appropriations for the fiscal year ending 30th September, 1867 ;

In reference to the navigation of the Coosa River ;

For the relief of Wm. Watson ;

To authorize assessment of taxes in certain cases ;

To authorize J. C. Stansel of Pickens county, to erect gates across public roads in said county ;

To amend the charter and fix the Eastern boundary of the city of Montgomery ;

To authorize the court of county commissioners of Montgomery county to issue bonds ;

To regulate the fees of county officers ;

For the relief of Lewis Davis of the county of Jackson ;

To repeal an act to prohibit the sale of spirituous liquors at sundry places in Marengo county ;

To authorize George H. Winston of the State of Georgia, one of the executors of Wm. B. S. Gilmer, to execute the will in this State ;

To create a chancery district in the Southern Chancery Division, to be composed of the counties of Chambers and Lee ;

To provide the mode of giving constructive notice of a motion to enter satisfaction of judgment, or set aside such entries when the party has removed from or resides out of the State ;

To authorize the commissioners court of Lee county to levy a special tax for the purposes therein named ;

To provide for the adoption, printing and distribution of the Revised Code of Alabama ;

Authorizing courts of chancery and probate to make equitable settlements with guardians ;

To regulate the time of holding the circuit courts of Lee county ;

To amend an act to incorporate the town of Opelika ;

For the relief of Wm. Beach of Washington county, Philip and Lotty Prichett of Marshall county ;

For *pro rata* payment of existing county debts in formation of new counties ;

To amend section 1 of an act to authorize John R. Hubbard, guardian of Thomas, Mahala and Henry Byrd, to dispose of a certain tract of land, approved January 31st, 1866.

To give the consent of the State to a donation made to the United States by the cities of Mobile and Montgomery, for certain lots of land for the purpose of constructing a National Cemetery, and to cede the jurisdiction over the same ;

To amend an act to authorize the Courts of county commissioners of the counties of Coosa, Macon and Lowndes to issue county bonds for the building of public bridges in said counties, approved January 26, 1866 ;

To regulate the distribution of the Revised Code ;

To increase the pay of the commissioners of Tallapoosa county ;

To amend section 152 of the Penal Code of Alabama ;

For the relief of Parmer A. Kendrick, jailor of Shelby county ;

To prohibit the holding of public markets and trading therein on Sunday ;

To lay off and divide the State of Alabama into twelve judicial circuits, and fix the time of holding the courts therein ;

For the relief of maimed and indigent soldiers of Alabama ;

To increase the fees of county officers of the county of Washington ;

For the relief of Cornelia Ann Nall of Choctaw, Elizabeth Morris of Walker, and Elizabeth Morris of Marshall county ;

For the relief of the present judges of probate of Jefferson, St. Clair, Shelby and Russell counties ;

To change the boundary line between Lowndes and Crenshaw counties ;

To substitute the judge of the city court of Selma in the place of probate judge of Dallas county, in certain cases ;

To give the probate court authority to grant permission to guardians to hire labor and carry on the plantations of their wards ;

To incorporate the town of Dadeville, in Tallapoosa county ;

For the relief of Emma Dellet Desha, and for the relief of the heirs of Hindman Barney, deceased ;

To require new counties to be furnished with Acts and Supreme Court Reports ;

To change the lines between the counties of Pike and Crenshaw ;

To re-organize the terms and times of holding the courts of chancery, in the middle chancery division ;

To amend section 2587 of the Code ;

To incorporate the Corwnall Iron Works Company, and to grant said company certain privileges therein named ;

To incorporate the Tuskegee Hook and Ladder Company ;

To amend an act to limit and construe an act approved January 30th, 1866, entitled an act to construe section 1738 of the Code, and for other purposes ;

Requiring the Comptroller to cancel certain appropriations ;

In relation to fences, the protection of crops, and other property in Sumter and Pickens counties;

To authorize Wm. Kirkland to erect a dam ;

For the relief of Thomas D. Garner and others ;

For the relief of James P. Little and others ;

To incorporate the Sepulga River Manufacturing Company ;

To incorporate the Decatur and Guntersville Railroad Co. ;

To incorporate the Alabama Mutual Life Insurance Company of Selma ;

To authorize the commissioners court of Jones county to levy a special tax ;

To provide for the improvement of the river, harbor and bay of Mobile ;

To remove the administration of the estate of William V. Berney from Tallapoosa to Macon county ;

For the relief of John G. Winter ;

To incorporate the Coosa and Chattooga River Railroad Co. ;

To incorporate the Washington Fire and Marine Insurance Company of Mobile ;

To permanently exempt personal and real property from levy and sale under any legal process for the use of families in this State ;

To incorporate the Selma Building and Loan Association ;

To provide for the distribution of supplies to the destitute, and to provide for the punishment of officers and others for their misapplication ;

To amend an act to authorize the substitution of lost records of judgments, decrees of courts and other records ;

To incorporate the Gainesville Manufacturing Company ;

To change the name of the Alabama and Tennessee Central Railroad Company ;

To create a new chancery district in the southern chancery division ;

To allow additional compensation to the probate judge of Wilcox county ;

For the relief of St. Clair county ;

To incorporate the Grand Falls Manufacturing Company ;

To establish revenue laws for the State of Alabama ;

To amend section 1642 of the Code ;

To amend section 1143 of the Code, so far as Limestone county is concerned.

To incorporate the Sipsey Bridge company ;

To incorporate the Marengo county Manufacturing company ;

To amend section 2206 of the Code ;

In reference to the charter of the Tuscaloosa Scientific and Art Association ;

To provide pay for the grand and petit jurors and county commissioners in this State.

SAMUEL H. DIXON, Private Secretary.

Mr. Echols introduced the following joint resolution, which was adopted :

Resolved, That a committee of three of the House be appointed, to act with a like committee on the part of the Senate, to wait on the Governor, and inform him that the two Houses have finished the business before them, and are now ready to adjourn, unless he has further communications to make.

Messrs. Echols, McKinstry, and Cox, are the House committee.

Message from the Senate :

Mr. Speaker :

The Senate has adopted a resolution to appoint a joint committee of three from each House, to wait on the Governor and inform him that the two Houses have completed the business before them, and are now ready to adjourn, if he has no communication further to make.

Messrs. Moren, Sykes, and Powell of Tuscaloosa, are the Senate committee.

W. H. GARRETT, Secretary.

Mr. Echols, from the Committee to wait on the Executive, reported that the Governor had no further communications to make to the two Houses.

The Speaker then declared that the House of Representatives of the State of Alabama, for the years 1865 and 1866, and 1866 and 1867, adjourn *sine die*.

THOS. B. COOPER,
Speaker House of Representatives.

Attest:

T. CLANTON, Clerk.

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